

# Exhibit 172

**DOUGLAS GEAUWANNA FRANK**  
**Smartmatic USA Corp. vs Michael J. Lindell**

**July 19, 2023**  
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<p style="text-align: right;">Page 5</p> <p>1 VIDEO DEPOSITION OF DOUGLAS GEAUWANNA FRANK      2 July 19, 2023      3 THE VIDEOGRAPHER: This is tape number one      4 to the videotape deposition of Dr. Douglas Frank in the      5 matter of Smartmatic USA Corp. et al. vs. Lindell, et      6 al. being heard before the District Court for the      7 District of Minnesota, Case file 22-CV-00 98-WMWJ FDA.      8 This deposition is being held at 1600 Broadway, suite 16      9 hundred, Denver, Colorado. The date is July 19, 2023.      10 The time on the record is 9:33 a.m. My name is Clayton      11 Bridges. I am the videographer. The court reporter is      12 Michele Koss. Counsel, will you please introduce      13 yourselves and affiliations and the witness will be      14 sworn.      15 MR. FREY: Tim Frey as counsel for      16 Smartmatic.      17 MR. GREENE: Nate Greene as counsel for      18 Defendants.      19 MS. LEVINE-PATTON: Maura Levine-Patton also      20 here on behalf of Smartmatic.      21 DOUGLAS GEAUWANNA FRANK,      22 being first duly sworn in the above cause, was examined      23 and testified as follows:      24 EXAMINATION      25 BY MR. FREY:</p>	<p style="text-align: right;">Page 7</p> <p>1 deposition, if you recall?      2 A I don't remember.      3 Q Do you recall where the deposition took      4 place?      5 A It was back in the eighties. I did a      6 deposition in a lawsuit I was an expert witness, and I      7 did another one, a couple of them in the nineties.      8 Some of my customers use my expert technologies in      9 their lawsuits. So I have to be deposed for their      10 cases, if that makes sense.      11 Q Do you recall who the parties were in the      12 case in the eighties?      13 A No.      14 Q And you said that was about, you served as      15 an expert, correct?      16 A Yes.      17 Q And that was about one of your technologies,      18 or your expert technologies, correct?      19 A Yes.      20 Q What was the technology?      21 A One is laser scanning and another one is      22 friction measurements.      23 Q And then you said there were a couple of      24 depositions in the nineties as well, correct?      25 A Just off the top of my head.</p>
<p style="text-align: right;">Page 6</p> <p>1 Q Good morning, Dr. Frank.      2 A Hi, Tim.      3 Q I introduced myself before we went on the      4 record but, as you know, my name is Tim Frey. I am      5 counsel for Smartmatic.      6 I understand you are being represented here      7 by Mr. Greene, counsel for Mr. Lindell; is that correct?      8 A Yes.      9 Q I just want to go through a couple of      10 preliminary things that we do in every deposition. So I      11 know the court reporter asked you to state and spell      12 your name.      13 Could you please also state for the record      14 where you currently live?      15 A Ohio.      16 Q And what is your address?      17 A 7444 Misty Woods Court, Morrow, Ohio 45152.      18 Q Have you been deposed before today,      19 Dr. Frank?      20 A In this matter?      21 Q In any case.      22 A Yes.      23 Q How many times?      24 A Half a dozen.      25 Q When was the first time you gave a</p>	<p style="text-align: right;">Page 8</p> <p>1 Q And those were also a similar situation, you      2 served as an expert?      3 A Yes.      4 Q Related --      5 A I testified in court and related to it and      6 things like that.      7 Q Do you recall where the trials took place?      8 A I was not in the trials.      9 Q So you did not testify at the trial?      10 A I did testify at one trial in Cincinnati.      11 I think the Cincinnati courthouse.      12 Q Do you remember the parties to that case?      13 A One of the parties, I do not remember his      14 name, but the other one was Walgreens. The defendant      15 was Walgreens.      16 Q Were you an expert on behalf of Walgreens?      17 A No.      18 Q On behalf of the plaintiff?      19 A The plaintiff.      20 Q Okay. Any other depositions that you recall      21 other than those ones in the eighties and nineties, to      22 the best of your recollection, where you served as an      23 expert?      24 A Yes, I just did the one for the, recent one      25 for the arbitration for Mr. Lindell.</p>

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<p>1 Q That was for the -- related to the Zeidman 2 report?</p> <p>3 A Yes.</p> <p>4 Q Do you recall when that deposition took 5 place?</p> <p>6 A I can look it up.</p> <p>7 Q In the last six months or the last three 8 months?</p> <p>9 A This year. Early this year.</p> <p>10 Q This past year, okay.</p> <p>11 Where did that take place?</p> <p>12 A Minnesota.</p> <p>13 Q And you served as an expert for Mr. Lindell 14 in this arbitration; is that right?</p> <p>15 A I don't think that is right. I don't know 16 if I was serving as an expert or whether I was just a 17 fact witness.</p> <p>18 Does that make sense?</p> <p>19 Q Yes. Okay.</p> <p>20 A That is a technical, legal thing and I am 21 not a lawyer.</p> <p>22 Q Were you retained or did you sign an expert 23 retention agreement to provide your testimony and 24 opinions in that case?</p> <p>25 A No, at least I do not remember doing it.</p>	<p>Page 9</p> <p>1 Q And, likewise, I will do my best to make 2 sure that you have finished your answer before I ask a 3 question, okay? This way the court reporter, who is 4 taking everything down, can actually get what we are 5 saying and not have us talk over each other. Fair?</p> <p>6 A Fair.</p> <p>7 Q I will do my best to talk slower for the 8 court reporter as well.</p> <p>9 The other part of that is all of your 10 answers need to be verbal as opposed to like nodding 11 your head or shaking your head so that she can get it on 12 the record.</p> <p>13 Is that fair?</p> <p>14 A Sure.</p> <p>15 Q Do you agree that if you do not understand 16 one of my questions, you will ask me to clarify it?</p> <p>17 A Sure.</p> <p>18 Q And so I will assume then, if you answer my 19 question, that you understood what I was asking.</p> <p>20 Is that fair?</p> <p>21 A Sure.</p> <p>22 Q While I am asking you questions today, 23 Mr. Greene may object. Unless Mr. Greene instructs you 24 not to answer, you are required to answer the question.</p> <p>25 Do you understand that?</p>
<p>1 Maybe I did.</p> <p>2 Q And were you compensated for the testimony 3 you gave in that case?</p> <p>4 A No.</p> <p>5 Q Okay. So we have the cases kind of, I 6 guess, 30 to 40 years ago in the eighties and nineties 7 where you were an expert in cases related to your, the 8 technologies, your inventions?</p> <p>9 A Yes.</p> <p>10 Q And then we have the Zeidman arbitration in 11 which you were deposed.</p> <p>12 Are there any other instances you recall 13 being deposed?</p> <p>14 A No. No.</p> <p>15 Q So you might know some of this already from 16 your prior depositions, and you might have talked to 17 Mr. Greene about this, but I am just going to go over 18 some of the, kind of the rules and protocols that we 19 will use during the deposition.</p> <p>20 Is that okay?</p> <p>21 A Sure.</p> <p>22 Q First I will ask that you agree to allow me 23 to finish my questions before you answer.</p> <p>24 Is that fair?</p> <p>25 A Sure.</p>	<p>Page 10</p> <p>1 A Yes.</p> <p>2 Q If you need a break at any time, just let me 3 know. The only thing I will ask is that if there is a 4 question pending, we don't break until after you answer 5 that question. Fair?</p> <p>6 A Yes.</p> <p>7 Q Are you taking any medicine today that would 8 prevent you from providing accurate testimony?</p> <p>9 A No.</p> <p>10 Q Do you know of any reason that would prevent 11 you from providing accurate testimony today?</p> <p>12 A No.</p> <p>13 MR. FREY: Mr. Greene, I just want to ask on 14 the record if you will stipulate that any documents we 15 used that were produced by Mr. Lindell or MyPillow with 16 a DEF Bates stamp are authentic copies of that document?</p> <p>17 MR. GREENE: Yes.</p> <p>18 Q So, Dr. Frank, do you understand that you 19 are here today pursuant to a deposition subpoena issued 20 for your testimony by Smartmatic as it relates to the 21 lawsuit Smartmatic filed against Mr. Lindell and 22 MyPillow in the Federal District Court for the District 23 of Minnesota?</p> <p>24 A Yes.</p> <p>25 Q Okay. Have you seen a copy of the subpoena</p>

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1 before?	1 Q Was anybody --
2 A Yes.	2 A I would not swear on it, but I think that
3 (Exhibit 108 was marked.)	3 is right.
4 Q (BY MR. FREY) Okay. For the record, I am	4 Q That is fair.
5 handing you what will be marked as Exhibit 108. This is	5 Was anybody else present for that phone
6 a copy of the notice of subpoena for documents and	6 call?
7 deposition that was issued.	7 A No.
8 Have you seen this document before?	8 Q Did you meet with anybody, other than
9 A It looks familiar.	9 Mr. Greene and the other attorney on the call, likely
10 Q Okay. Do you recognize this document as the	10 Mr. Kaplan, in order to prepare for your deposition
11 subpoena for your testimony here today?	11 today?
12 A It looks familiar.	12 A No.
13 Q Okay. If you look at the bottom of the	13 Q Have you discussed this deposition today
14 paragraph on the first page, do you see that it states	14 with anybody other than Mr. Greene and the other
15 that the date for deposition is a placeholder and	15 attorney who was on the phone call?
16 Plaintiffs will coordinate a mutually agreeable date,	16 A I have mentioned that I would have it
17 time and location of the deposition.	17 today. I did not discuss, you know -- I might have
18 Do you see that?	18 mentioned, you know, people say, where are you going?
19 A Yes.	19 I said, hey, I am going to be giving a deposition on
20 (Exhibit 109 was marked.)	20 Wednesday for this lawsuit. Oh, what lawsuit? Which
21 Q (BY MR. FREY) So now I am going to hand you	21 one is Mike in? This is the Smartmatic lawsuit.
22 what will be marked as Exhibit 109. This is the actual	22 Nothing more detailed than that.
23 notice of deposition for today.	23 Q Okay. Have you spoken with Mr. Lindell at
24 Do you see that?	24 all about your deposition today?
25 A Yes.	25 A No. I take it back. He called me about a
Page 14	
1 Q Okay. Do you recognize this document as the	1 week ago and said the lawyer is trying to get ahold of
2 scheduling notice that brought you here today?	2 you. Call the lawyer. So I guess that counts as me
3 A Yes, sir.	3 speaking to him about this deposition.
4 Q Okay. Have you met with Mr. Greene before	4 Q Was there anything else substantively that
5 today in order to prepare for today's deposition?	5 you spoke about?
6 A We had a phone call.	6 A No, nothing substantive. That is the right
7 Q When was that phone call?	7 word. Just call the guy and get it set up.
8 A Monday.	8 Q I have seen some public statements in which
9 MR. FREY: You cannot ask me the questions.	9 you say that you are acting as an expert for
10 Answer to the best of your recollection.	10 Mr. Lindell.
11 A I am not allowed to ask you questions. I	11 Are you acting as an expert for Mr. Lindell
12 think it was Monday.	12 in connection with this litigation?
13 Q How long did you speak for?	13 A No. What do you mean by expert? Am I
14 A About an hour.	14 under contract? No. He calls me frequently for expert
15 Q Did you review any documents during that	15 advice.
16 phone call?	16 Q Do you intend to write an expert report in
17 A No.	17 connection with this litigation?
18 Q Was anybody else present on that phone call?	18 A In connection with this litigation, I have
19 A I think senior -- another attorney was	19 not been asked to.
20 present for a portion of it. Maybe ten minutes.	20 Q If you were asked to, would you?
21 Q Do you know who that attorney was?	21 A Of course.
22 A I want to say Abe, but I don't remember if	22 Q But today no one has asked you to prepare an
23 that is right.	23 expert report or serve as an expert witness --
24 Q Abe Kaplan?	24 A To serve as an expert? I am sorry. Finish
25 A It sounds right.	25 it.

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<p style="text-align: right;">Page 17</p> <p>1 Q As of today, no one has asked you to prepare      2 an expert report or serve as an expert witness in      3 connection with this litigation?</p> <p>4 A That's correct.</p> <p>5 Q I want to go back to Exhibit 108 which is      6 the document subpoena.</p> <p>7 In addition to kind of asking you to come      8 give deposition testimony, did you understand that      9 Smartmatic also requested that you produce certain      10 documents?</p> <p>11 A Yes.</p> <p>12 Q Did you, in fact, produce documents in      13 response to the subpoena?</p> <p>14 A Yes.</p> <p>15 Q How did you go about collecting the      16 documents to produce in response to the subpoena?</p> <p>17 A I spent an entire afternoon at the      18 attorney's office in Minnesota, at LincolnPeter,      19 downloading all the emails that I could find related to      20 it and the documents requested as best I could      21 understand from the request.</p> <p>22 Q Did you run search terms or did you just go      23 through and look for documents?</p> <p>24 A I ran search terms.</p> <p>25 Q Do you recall any of the search terms?</p>	<p style="text-align: right;">Page 19</p> <p>1 Q Yes, document requests. Exactly.      2 And so did you understand that these were      3 the categories of documents Smartmatic was asking you to      4 produce?</p> <p>5 A Yes. Give me one second so I can get to      6 the right page. Okay.</p> <p>7 Q Looking at request one, it asks for      8 documents and communications with or concerning      9 Smartmatic.</p> <p>10 Do you see that?</p> <p>11 A Yes.</p> <p>12 Q And if you go back to page 2 to the      13 definitions section, at the very bottom documents is      14 defined as all written, printed, typed, recorded or      15 graphic data or matter of every kind and description and      16 all attachments and appendices thereto. And then it      17 lists a whole bunch of things that it means, agreement,      18 contracts, correspondence, letters, messages, email,      19 records, reports.</p> <p>20 Do you see that?</p> <p>21 A No.</p> <p>22 Q It is at the very bottom of page 2.</p> <p>23 A Okay. I see it, documents, yes.</p> <p>24 Q And then it says, shall mean and include all      25 written, printed, typed, recorded or graphic data or</p>
<p style="text-align: right;">Page 18</p> <p>1 A Yes. For example, there were several names      2 that you wanted communications with. So I searched all      3 of my email with those search terms.</p> <p>4 Q Did the attorneys for Mr. Lindell assist you      5 with coming up with those search terms?</p> <p>6 A No.</p> <p>7 Q Did they assist you in determining what was      8 relevant to the subpoena?</p> <p>9 A I asked some questions at one point, yes,      10 because I was trying to comply with the subpoena, but I      11 don't remember specifically. It was a long time ago.</p> <p>12 Q It was. Do you remember approximately how      13 long ago?</p> <p>14 A I want to say January, but do not hold me      15 to it.</p> <p>16 Q Okay. I want to look just at a couple of      17 specific of the requests --</p> <p>18 A Sure.</p> <p>19 Q -- to understand the steps that you took to      20 produce documents.</p> <p>21 A Sure.</p> <p>22 Q And the documents that you produced. So if      23 you turn to page 10, and this is like the little page      24 number 10.</p> <p>25 A Document requests.</p>	<p style="text-align: right;">Page 20</p> <p>1 matter of every kind and description.</p> <p>2 A Sure .</p> <p>3 Q It goes on from the second line from the      4 bottom, Documents shall include, without limitation, all      5 agreements, contracts, correspondence, letters,      6 telegrams, telexes, messages, email, memoranda, records,      7 reports, book, summaries, records of telephone      8 conversations or interviews, summaries of other records,      9 et cetera, et cetera. Correct? Do you see that?</p> <p>10 A Yes.</p> <p>11 Q Did you understand this to be the definition      12 of documents when you searched for items to production?</p> <p>13 A Yes.</p> <p>14 MR. FREY: Just real quick, I want to object      15 to the extent that this line of questioning is going to      16 exceed the objections that were originally raised by us      17 to the subpoena and the meetings that subsequently took      18 place after that. I object related to that.</p> <p>19 Go ahead. You can answer the question.</p> <p>20 Q I understand.</p> <p>21 When you were looking for documents      22 responsive to this request, request one for all      23 documents and communications concerning Smartmatic, what      24 sources of information did you review?</p> <p>25 A I know almost nothing about Smartmatic,</p>

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1 knew almost nothing about Smartmatic at the time.	1 Q Do you know what a ballot marking device is?
2 Q So is it fair to say that when you went to	2 A Yes.
3 look for the documents, there were not any because you,	3 Q Explain to me your understanding of a ballot
4 in fact, did not have any documents in your files	4 marking device.
5 related to Smartmatic?	5 A A ballot marking device is when a voter, or
6 A Right.	6 they call them electors, can touch the screen and it
7 Q When did you first become aware of the	7 completes a ballot for them.
8 company name Smartmatic?	8 Q It returns the ballot to the voter, correct?
9 A I heard Mike mention it in some of his	9 A Typically.
10 documentaries, and I don't recall specifically if he	10 Q And the ballot marking device does not
11 mentioned it in the ones that I was in. That is when I	11 tabulate the votes, correct?
12 first became aware of the brand.	12 MR. GREENE: Objection. Form.
13 Q So before you either were filming the	13 A If you show me the source code, I could
14 documentaries with Mr. Lindell or viewing the	14 answer that question.
15 documentaries that he published that you were not in,	15 Q What would you need to see in the source
16 you had not heard of Smartmatic before, correct?	16 code?
17 A Correct.	17 A Whether it is tabulating or not.
18 Q Okay. So at the time before you appeared on	18 Q Have you reviewed any of the VSAP LA County
19 Mr. Lindell's documentaries, you did not know who	19 materials about the way that their election was run?
20 Smartmatic was, correct?	20 A Yes.
21 A Correct.	21 Q And did you see that there was a separate
22 Q Were you aware of -- strike that.	22 ballot marking device and then a tally machine that
23 If you did not know who Smartmatic was, you	23 would tally the votes?
24 would not have known the role that Smartmatic played in	24 A Yes, I have seen that. Yes.
25 the November 2020 election, correct?	25 Q And so what is your understanding of how the
Page 22	Page 24
1 A Correct.	1 ballot marking device could count the votes if there is
2 Q Do you understand now that Smartmatic's	2 a separate machine designated to do that?
3 voting machines were only used in LA County?	3 A I am a computer programmer. I can make a
4 MR. GREENE: I object to the form.	4 computer do just about anything. Unless I see the
5 Go ahead and answer.	5 source code, I don't know what is going on inside the
6 A I understand that now.	6 machine.
7 Q (BY MR. FREY) Okay. And do you have any	7 Purportedly the ballot marking device marks
8 reason to dispute that Smartmatic's voting machines were	8 a ballot and purportedly the tallying machine scans the
9 only used in LA County?	9 ballot and tallies. I don't know what else they are
10 A No, I have no reason.	10 doing because I have not seen the source code, and I
11 Q Okay. Do you also understand that the	11 would like forensic images and do the analysis and then
12 machines provided by Smartmatic were what is known as a	12 I would know what the machines are doing.
13 ballot marking device?	13 Q And if the results generated by the tally
14 MR. GREENE: Objection. Form. Go ahead.	14 machine are the ones delivered to calculate the final
15 A I might be aware of that because I read the	15 vote, would it matter if the ballot marking device even
16 complaint.	16 counted the votes?
17 Q Before you read the complaint --	17 A Yes, it would matter tremendously.
18 A I had no idea.	18 Q How so?
19 Q Okay. So before you read -- I am just going	19 A Because the ballot marking devices
20 to reask it to get a clean record.	20 typically have modems in the screen which would be
21 Before you read the complaint, you were not	21 capable of communicating with the outside world and
22 aware that the machines Smartmatic provided were ballot	22 reporting the tallies in real time. So that could
23 marking devices, correct?	23 compromise the integrity of an election.
24 A Correct.	24 Q Have you seen any evidence that the ballot
25 MR. GREENE: Same objection.	25 marking devices in LA County were communicating with the

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1 outside world reporting tallies in real time? 2 A Yes. 3 Q What is that evidence? 4 A The information provided at the Cyber 5 symposium in August of 2021. 6 Q Is that the -- and that information provided 7 at the cyber Symposium in August of 2021, is the PCAP 8 data; is that correct? 9 A That is the casual reference. 10 Q That is the casual reference? 11 A Yes. 12 Q If I say PCAP data, will you understand what 13 I am referring to? 14 A Yes. 15 Q And in that PCAP data presented in August of 16 2021, did you, yourself, see evidence of LA County 17 ballot marking devices reporting tallies in real time? 18 A Not that specific. 19 Q So not that specific. What did you see in 20 that PCAP data related to LA County ballot marking 21 devices? 22 A I don't know whether it was ballot marking 23 devices or the tallying machines or the EMS. I don't 24 know the information that specifically. I just know 25 that the reporting was compromised in real time.	1 cross-references all over the place. 2 And that includes appearances on Absolute 3 Proof? 4 A I was not in Absolute Proof. 5 Q Okay. Scientific Proof? 6 A Of course. 7 Q Absolute Interference? 8 A Yes. 9 Q And the cyber Symposium? 10 A I was not in Absolutely 90 either. 11 Q Of the appearances listed on page 4, you did 12 appear on Absolute Proof, correct? 13 A No. 14 Q I am sorry. My fault. You did not appear 15 on Absolute Proof. You appeared on Scientific Proof, 16 correct? 17 A Yes. 18 Q You appeared on Absolute Interference? 19 A Correct. 20 Q And you appeared at the cyber Symposium in 21 August of 2021, correct? 22 A Correct. 23 Q Correct? 24 A Yes. 25 Q So do you understand that this request was
1 Q We will come back -- let us come back to the 2 PCAP data later this afternoon. For now I just was 3 trying to understand your knowledge and information 4 regarding Smartmatic and the role it played in the 5 election. 6 So aside from, one, hearing Mr. Lindell talk 7 about Smartmatic in his documentaries; and, two, data 8 related to LA County, not necessarily specific to 9 Smartmatic's machines but generally LA County and the 10 PCAP data, do you know of or are you aware of any other 11 information regarding Smartmatic? 12 A Not off the top of my head. 13 Q And would you, yourself, then have provided 14 Mr. Lindell any information regarding Smartmatic? 15 A No. 16 Q Okay. Let's move to request number 6 and 17 that is on page 10. And this request asks for documents 18 and communications with Lindell or MyPillow concerning 19 the Frank Appearances or any contemplated media or 20 documentaries appearances in connection with Lindell or 21 MyPillow. 22 Do you see that? 23 A Yes. 24 Q And then on page 4, Frank Appearances is 25 defined because this is a legal document so there is	1 for any communication with Mike Lindell or his company 2 related to those appearances? 3 MR. GREENE: Same objection as prior 4 regarding the meeting and the previous objections to the 5 subpoena we discussed. 6 A Yes. 7 Q And did you review your files for any 8 documents or communications with Mike Lindell or 9 MyPillow regarding these? 10 A I did. 11 Q Which files did you review? 12 A All my emails, all my texts, et cetera. It 13 was very difficult however for me to review my texts 14 because my phone had been taken from me. 15 Q When was your phone taken from you? 16 A I think it was around October of last year. 17 Q So October of 2022? 18 A Yes. That is a round number guess. I can 19 go look it up, but it is something like that. 20 Q And who is it that took your phone from you? 21 A It is related to the lawsuit against Tina 22 Peters in Colorado and FBI met me at an airport. 23 Q They took your physical phone? 24 A Yes. 25 Q And you have not been able to access it like

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1 via the Cloud or remotely or anything?	1 Q Correct.
2 A No, I do not use the Cloud.	2 A Correct.
3 Q Did the FBI in Colorado take any other	3 Q Okay. And the communications I believe you
4 devices from you?	4 told me would have been with Kurt, Mr. Lindell's
5 A No, just the phone.	5 attorney?
6 Q So when you were looking through your	6 A I spoke with Kurt Olsen for my original
7 communications and documents --	7 meetings, and then after that occasionally I would get
8 A Yes.	8 phone calls from his assistants to schedule things, but
9 Q -- did you locate any communications with	9 all of that is gone out of my reach. Yes.
10 Mr. Lindell or MyPillow regarding your appearance on	10 Q Okay.
11 Scientific Proof?	11 A I guess that is my best answer, yes.
12 A I looked for communications with Kurt, his	12 Q I want to switch gears a little bit now.
13 attorney, who arranged for that, but I do not do emails	13 A Sure.
14 with Mike. It is almost all by text or phone. So	14 Q And talk about your, kind of, educational
15 without my phone or my text, I have almost nothing I	15 background, your experience.
16 can find.	16 A Sure.
17 So I did my best to find the communications	17 Q So some of these are very basic, and they
18 that I had with Kurt Olsen, I think it was the week	18 are not meant to be offensive or anything like that.
19 before we filmed Scientific Proof, where we arranged for	19 Did you graduate from high school?
20 that meeting. So I did my best to comply with the best	20 A Yes.
21 that I could find.	21 Q What year did you graduate high school?
22 Q Fair.	22 A '79, 1979.
23 Same question. Did you locate any documents	23 Q And did you go to college?
24 or communications with Mr. Lindell or MyPillow employees	24 A Yes.
25 regarding your appearance on Absolute Interference?	25 Q What college did you?
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1 A Same answer.	1 A Westmont College, Santa Barbara,
2 Q The same question with respect to Cyber	2 California.
3 Symposium, did you locate any documents or	3 MR. GREENE: Give it a beat before you
4 communications with Mr. Lindell or MyPillow employees	4 answer.
5 regarding your appearance at the Cyber Symposium in	5 A Sorry.
6 August of 2021?	6 MR. GREENE: It is not for me. The court
7 A Yes, I did that search.	7 reporter is in arms reach of you and she will rip your
8 Q And did you locate any documents or	8 head off if you are not too careful.
9 communications?	9 A Westmont College, Santa Barbara,
10 A Anything that I found I put on a drive and	10 California.
11 gave to you guys. So I do not remember now what I	11 Q And did you graduate college?
12 found then.	12 A Yes.
13 Q Is it fair to say if there are no documents	13 Q What year did you graduate?
14 or communications in the documents that you produced to	14 A 1983.
15 us --	15 Q And did you have a major in college?
16 A I could not find anything.	16 A Chemistry.
17 Q -- that you could not find anything?	17 Q Any majors other than chemistry?
18 A I spent a great amount of time looking. I	18 A Minor in music.
19 gave it my best. I gave it my best effort.	19 Q So you have a major in chemistry and a minor
20 Q And would it be fair to say that if you were	20 in music.
21 not able to find any of those, that is because that they	21 Any other degrees that you received from
22 did not exist, that you did not have any written	22 Westmont --
23 communications regarding your appearances on Scientific	23 A Westmont College. Sorry.
24 Proof and Absolute Interference or the Cyber Symposium?	24 MR. GREENE: Let him finish. It is a
25 A With Mike Lindell or his employees?	25 natural thing, but it is hard to do.

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<p>1 A Yes. No other degrees from Westmont.</p> <p>2 Q And did you attend any school after</p> <p>3 graduating college?</p> <p>4 A Yes.</p> <p>5 Q What school did you attend after graduating</p> <p>6 college?</p> <p>7 A The University of California Santa Barbara.</p> <p>8 Q Did you receive a degree from the University</p> <p>9 of California Santa Barbara?</p> <p>10 A I received a qualification for a Ph.D.</p> <p>11 Q Okay. And what was the qualification for a</p> <p>12 Ph.D., what field was that in?</p> <p>13 A Surface electrochemistry.</p> <p>14 Q And can you explain to me a little bit what</p> <p>15 surface electrochemistry is?</p> <p>16 A It combines physics and chemistry to</p> <p>17 analyze surface behaviors. Most of the work that I do,</p> <p>18 did involved immersing electrodes in liquids,</p> <p>19 transferring them to vacuum systems and then analyzing</p> <p>20 them with electron beams, massive amounts of</p> <p>21 mathematics, calculations, simulations.</p> <p>22 Q So you got your qualification for a Ph.D.</p> <p>23 from University of California Santa Barbara.</p> <p>24 Do I understand correctly that you went on</p> <p>25 and got your Ph.D. at another school?</p>	<p>1 administration?</p> <p>2 A No.</p> <p>3 Q Now, I am going to hand you what will be</p> <p>4 marked as Exhibit 111.</p> <p>5 THE COURT REPORTER: 110.</p> <p>6 MR. GREENE: I was going to say that.</p> <p>7 (Exhibit 110 was marked.)</p> <p>8 Q (BY MR. FREY) I wrote it down wrong. This</p> <p>9 document I understand to be your resume which was filed</p> <p>10 in the case of William Bailey vs. Antrim County held in</p> <p>11 the Circuit Court of the County of Antrim.</p> <p>12 Do you recognize this document?</p> <p>13 A Yes.</p> <p>14 Q And do you agree that this document is</p> <p>15 indeed a copy of your resume which was filed in the case</p> <p>16 of Bailey versus Antrim in the Circuit Court of the</p> <p>17 County of Antrim?</p> <p>18 A I don't know how to answer that question.</p> <p>19 Q Was this --</p> <p>20 A I would have to go research it to find out</p> <p>21 if this is what I submitted.</p> <p>22 Q Do you have any reason to think that this is</p> <p>23 not what you submitted for that case?</p> <p>24 A No.</p> <p>25 Q Were you retained as an expert in that case?</p>
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<p>1 A Yes.</p> <p>2 Q What school was that?</p> <p>3 A The University of Cincinnati.</p> <p>4 Q And was your specialty or your focus at the</p> <p>5 University of Cincinnati surface electro analytical</p> <p>6 chemistry?</p> <p>7 A Correct.</p> <p>8 Q Is that what you received your Ph.D. in?</p> <p>9 A Correct.</p> <p>10 Q Have you ever received a degree in computer</p> <p>11 science?</p> <p>12 A No.</p> <p>13 Q Have you ever received a degree in</p> <p>14 information technology?</p> <p>15 A No.</p> <p>16 Q Have you ever received a degree in cyber</p> <p>17 security?</p> <p>18 A No.</p> <p>19 Q Have you ever received a degree in</p> <p>20 mathematics?</p> <p>21 A No.</p> <p>22 Q Have you ever received a degree in</p> <p>23 statistics?</p> <p>24 A No.</p> <p>25 Q Have you ever received a degree in election</p>	<p>1 A Retained meaning, was I paid? No.</p> <p>2 Q You were not paid. Were you asked to</p> <p>3 provide expert opinion?</p> <p>4 A Yes.</p> <p>5 Q And was that related to the election data</p> <p>6 associated with the 2020 election held in the state of</p> <p>7 Michigan?</p> <p>8 A Yes.</p> <p>9 Q When were you retained or when were you</p> <p>10 asked to serve as an expert in that litigation?</p> <p>11 A Oh, boy, I would have to go back and check</p> <p>12 my records. It was during the Bailey case.</p> <p>13 Q So necessarily after November 3, 2020,</p> <p>14 correct?</p> <p>15 A After that, yes.</p> <p>16 Q And do you recall if it was before 2021,</p> <p>17 before January of 2021?</p> <p>18 A I would have to consult my records.</p> <p>19 Q Okay. Do you recall whether it was before</p> <p>20 you appeared on Mr. Lindell's documentary Scientific</p> <p>21 Proof?</p> <p>22 A It was not before.</p> <p>23 Q So it was after Scientific Proof?</p> <p>24 A Yes.</p> <p>25 Q Okay. And who contacted you to provide</p>

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<p style="text-align: right;">Page 37</p> <p>1 testimony in the Antrim County litigation?</p> <p>2 A I do not recall who it was. Should I</p> <p>3 speculate two people?</p> <p>4 Q Please.</p> <p>5 A It was probably Kurt or Matt Deperno, I</p> <p>6 believe.</p> <p>7 Q I understand Kurt Olsen is an attorney for</p> <p>8 Mr. Lindell, correct?</p> <p>9 A Yes.</p> <p>10 Q And I believe Matt Deperno was the attorney</p> <p>11 of record in the Antrim case, correct?</p> <p>12 A Correct.</p> <p>13 Q And based on your earlier answers, I am</p> <p>14 going to assume, you might not recall, but nevertheless</p> <p>15 I am going to ask, do you recall when they contacted to</p> <p>16 you serve as an expert?</p> <p>17 A It was after the Scientific Proof for sure.</p> <p>18 Q Do you recall what they asked you to do?</p> <p>19 A Yes.</p> <p>20 Q What was that?</p> <p>21 A They asked me to analyze the registration</p> <p>22 and voter rolls for, I want to say, six or seven</p> <p>23 counties in Michigan.</p> <p>24 Q And did you tell them that you would be able</p> <p>25 to do that?</p>	<p style="text-align: right;">Page 39</p> <p>1 school. So I take large datasets and I apply the</p> <p>2 scientific method, and then I do mathematical modeling,</p> <p>3 statistical modeling and produce results. So I am a</p> <p>4 natural at this.</p> <p>5 Q I appreciate that answer in context. My</p> <p>6 question was a little more specific.</p> <p>7 Was there any reason that the resume you</p> <p>8 submitted in Antrim County would have left out any</p> <p>9 information regarding your education or experience</p> <p>10 related to election technology?</p> <p>11 A I don't know how to answer that. I cannot</p> <p>12 think of any reason.</p> <p>13 My understanding is when you are putting,</p> <p>14 when you are in a legal case and you are, you are not</p> <p>15 looking for a complete bio, you are not looking for a</p> <p>16 complete vitae, you are just trying to provide the</p> <p>17 relevant information concisely.</p> <p>18 And so I am not even sure I am the one who</p> <p>19 gave them this. This looks more like a public kind of,</p> <p>20 not necessarily a technical legal document. Normally</p> <p>21 when I would write this section for a technical legal</p> <p>22 document it would not look like this. But perhaps it</p> <p>23 was done in haste and so I just sent in what I had.</p> <p>24 Q So is there -- if you and go ahead, and take</p> <p>25 a second or a minute to review it, and then I would ask,</p>
<p style="text-align: right;">Page 38</p> <p>1 A Yes.</p> <p>2 Q Was there anything else you discussed when</p> <p>3 they asked you to do that analysis?</p> <p>4 A Sure. There were long conversations on the</p> <p>5 phone with Matt Deperno.</p> <p>6 Q How many conversations would you say that</p> <p>7 you had?</p> <p>8 A Half a dozen.</p> <p>9 Q And what was the substance of those</p> <p>10 conversations?</p> <p>11 A Discussing his case, discussing the kinds</p> <p>12 of analyses that I could do for him and provide to him.</p> <p>13 Q And so your role in the Antrim County case</p> <p>14 then was to analyze the voter rolls for these six or</p> <p>15 seven counties in Michigan, correct, and provide your</p> <p>16 opinions on what that data showed; that fair?</p> <p>17 A Fair.</p> <p>18 Q Okay. So is there any reason why this</p> <p>19 resume that you submitted in the Antrim County case</p> <p>20 would leave out any information regarding your education</p> <p>21 or experience that would be relevant to an analysis</p> <p>22 regarding election data?</p> <p>23 A All of the work, almost all of the projects</p> <p>24 that I do in my life involve large datasets, and I have</p> <p>25 been writing computer programming since I was in high</p>	<p style="text-align: right;">Page 40</p> <p>1 what would it be that you would add to this to make it a</p> <p>2 complete resume of your qualifications and experience</p> <p>3 related to an analysis of election data?</p> <p>4 A Well, I have been teaching math classes to</p> <p>5 advanced students for decades. And as part of my</p> <p>6 pedagogy I analyze election data with my students. So</p> <p>7 I am very familiar with polling. I am very familiar</p> <p>8 with election night reporting. I am very familiar with</p> <p>9 Secretary of State reporting. I am familiar with the</p> <p>10 data, the websites that provide all of that information</p> <p>11 because I have been doing it for decades.</p> <p>12 So if I were trying to establish myself as</p> <p>13 an expert in analyzing election data, I would probably</p> <p>14 have beefed that up in this. My intent -- I would have</p> <p>15 made that an emphasis, but I did not here. So I don't</p> <p>16 know why not.</p> <p>17 Q Okay. So you would add in kind of the</p> <p>18 experience that you have had in teaching these math</p> <p>19 classes where you teach about analyzing election data;</p> <p>20 fair?</p> <p>21 A Yes.</p> <p>22 Q Anything else?</p> <p>23 A Well, if this is a case on -- I have been</p> <p>24 teaching statistics for decades as well and I teach</p> <p>25 classes on that. So I think those would be the things</p>

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<p style="text-align: right;">Page 41</p> <p>1 that people would be looking for to evaluate whether or      2 not I was skilled at this.</p> <p>3 The fact that Chemical Rubber Company, CRC,      4 everyone in science knows what I mean when I say this,      5 has featured a great deal of my statistical modeling in      6 their journals, it would be credentials enough in any      7 scientific community to say well, that guy really knows      8 his statistics. And that guy really knows his      9 mathematics and his modeling. He really knows electron      10 scattering and he really knows his physics. That would      11 be sufficient.</p> <p>12 So, you know, when you write a document like      13 this, you are trying to tailor it to the audience and      14 this, obviously, is not to a scientific audience.</p> <p>15 Q Okay. Okay. So I want to look at what is      16 here and talk about it a little bit.</p> <p>17 A Sure.</p> <p>18 Q First, it says, Dr. Frank has approximately      19 60 peer-reviewed scientific publications.</p> <p>20 A Yes.</p> <p>21 Q Including feature in cover articles in the      22 leading scientific journals in the world, e.g. Science      23 Nature, and I am going to --</p> <p>24 A Naturwissenschaften.</p> <p>25 Q Okay. Is this a correct statement regarding</p>	<p style="text-align: right;">Page 43</p> <p>1 peer-reviewed scientific publications have been on?</p> <p>2 A No.</p> <p>3 Q Could you just tell me a little bit about      4 what Auger electron spectroscopy is?</p> <p>5 A Yes. It is named for Pierre Auger who won      6 the Nobel Prize in physics. I believe it is 1923,      7 somewhere in that vicinity, he discovered a type of      8 electron that is emitted from an atom if you stimulate      9 it properly.</p> <p>10 So it allows you to identify the identity of      11 the atom that the electron came from because it has      12 particular properties associated with its source. Sort      13 of like the blue light from your coat tells me that your      14 coat has, it is absorbing the other colors. So I know      15 something about the composition of your jacket.</p> <p>16 Same way with Auger electrons. I know the      17 composition of the atoms at a surface because of the      18 types of electrons that they are emitting.</p> <p>19 Q And how about low energy electron      20 diffraction?</p> <p>21 A Diffraction is an interference phenomenon      22 when waves interact with one another and it produces a      23 pattern which you can back-calculate to what the      24 structure must be if the structure is ordered.</p> <p>25 In low energy electron diffraction, you are</p>
<p style="text-align: right;">Page 42</p> <p>1 your publishing history?</p> <p>2 A Yes.</p> <p>3 Q It goes on to state, During his graduate and      4 post-doctoral work, he discovered and developed a new      5 type of microscopy capable of producing      6 three-dimensional imaging of molecules resting on metal      7 surfaces. This gave him international credibility in      8 the area of Low Energy Electron Diffraction, LEED, and      9 Auger electron --</p> <p>10 A Auger. (pronouncing)</p> <p>11 Q Auger, thank you. Auger electron      12 spectroscopy and microscopy, and his work is prominently      13 featured in college textbooks and handbooks on the      14 subjects.</p> <p>15 Do you see that?</p> <p>16 A Yes.</p> <p>17 Q Is that a correct statement?</p> <p>18 A Yes.</p> <p>19 Q So is it fair to say that your publications      20 have been focused on the areas of LEED and Auger      21 electron spectroscopy?</p> <p>22 A Yes, also electrochemistry.</p> <p>23 Q So LEED, Auger, electrochemistry, correct?</p> <p>24 A Correct.</p> <p>25 Q Have there been any other topics that your</p>	<p style="text-align: right;">Page 44</p> <p>1 typically taking photographs of patterns. In Auger      2 electron spectroscopy you are typically measuring large      3 amounts of data over time. And I combined the two      4 measuring tens of millions of data points in a short      5 amount of time and then applied trans -- mathematical      6 transforms in order to produce three dimensional images      7 of molecules. It was a surprise to everyone that I      8 could do that, including me, which is why it was a      9 discovery and which is why it made the cover of Science,      10 Nature and Naturwissenschaften.</p> <p>11 The editor of Naturwissenschaften is the      12 head of the Noble Prize Committee. He came and spent a      13 week in my laboratory with me and nominated me for a      14 Noble Prize in 1990 in chemistry. So that tells you how      15 significant of a discovery that was.</p> <p>16 Q Thank you. Thank you for that explanation.</p> <p>17 A Yes.</p> <p>18 Q So in any, in any sense were any of the kind      19 of peer-reviewed scientific publications on the topic or      20 having to do with computer science?</p> <p>21 A Oh, yes.</p> <p>22 Q How so?</p> <p>23 A I just described a massive amount of      24 mathematics that has to take place and computer science      25 required to accomplish that, that phenomenon to be able</p>

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<p>1 to measure it, process it, model it.</p> <p>2 One of the reasons they put it on the cover</p> <p>3 of the magazine is because my computer skills in those</p> <p>4 days were more than what most people had, and I could</p> <p>5 produce nice images and graphics before color graphics</p> <p>6 were typically in journals. And so to be able to</p> <p>7 produce beautiful three-dimensional color graphical</p> <p>8 images back in the days when most people were monochrome</p> <p>9 was different, and my computer skills really shone then.</p> <p>10 I was given super computer time as well.</p> <p>11 Q What is super computer time?</p> <p>12 A Back in the eighties your laptop did not do</p> <p>13 very much. And if you needed to do massive amounts of</p> <p>14 calculations, you needed to have access to massive</p> <p>15 computers and not everybody did.</p> <p>16 And so the State of Ohio gave me access to</p> <p>17 the state super computer to be able to do a lot of</p> <p>18 calculations I needed to do. Massive, massive</p> <p>19 calculations. Calculations that take days at a time and</p> <p>20 take me months to write the software and the transforms</p> <p>21 and things. It is a great deal. It is a massive amount</p> <p>22 of mathematics and computer software.</p> <p>23 Q Okay. Okay. Same question, setting aside</p> <p>24 computer science, mathematics, have any of your</p> <p>25 peer-reviewed scientific publications been on the topics</p>	<p>1 A Mostly process control, process monitoring</p> <p>2 and control.</p> <p>3 Q And could you explain to me a little bit</p> <p>4 more about what process monitoring and control is?</p> <p>5 A A manufacturer would come to me and say, we</p> <p>6 need to control the quality of the product we are</p> <p>7 making. How do we do it?</p> <p>8 I would say, well, I would make this</p> <p>9 analytical device, design it, build it, build all the</p> <p>10 electronics and all the data acquisition stuff so I know</p> <p>11 what is happening in real time, and then I would design</p> <p>12 the electronics and build the electronics that control</p> <p>13 the motors, the processor, various things so that in</p> <p>14 real time the products they would produce had quality</p> <p>15 control to them. That would be an example of an</p> <p>16 application that I would do, and that is one type of</p> <p>17 application.</p> <p>18 Another application is product development.</p> <p>19 If you were to visit leading laboratories in the world</p> <p>20 in surface cleaners and waxes and polishes, for example,</p> <p>21 Johnson Wax or Kiwi brands, you will find my machines in</p> <p>22 their testing and development labs.</p> <p>23 They all kind of follow the same strategy.</p> <p>24 You have laser scanners. You have electron scanners.</p> <p>25 You have electronics measuring, monitoring things and</p>
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<p>1 of elections?</p> <p>2 A No.</p> <p>3 Q Election technologies?</p> <p>4 A No.</p> <p>5 Q Electronic voting systems?</p> <p>6 A No.</p> <p>7 Q Cyber security?</p> <p>8 A No.</p> <p>9 Q Or information technology?</p> <p>10 A No.</p> <p>11 Q So I want to go back to the resume. It goes</p> <p>12 on to state, Dr. Frank left university academics in 1996</p> <p>13 and began consulting, developing and manufacturing</p> <p>14 surface analytical devices for national defense, DARPA,</p> <p>15 that is in parens, and various industries, especially</p> <p>16 the cleaning products industry and bowling ball</p> <p>17 manufacturers were his custom electronics, software</p> <p>18 inventions and products continued to be widely used as</p> <p>19 industrial standards. Much of his work is protected by</p> <p>20 nondisclosure agreements.</p> <p>21 Do you see that?</p> <p>22 A Yes.</p> <p>23 Q Is that a correct statement?</p> <p>24 A Yes.</p> <p>25 Q What type of electronics have you developed?</p>	<p>1 then you have software that intelligently decides what</p> <p>2 to do with all of that information to control or report</p> <p>3 outputs. Is Bounty the quicker picker upper? I built</p> <p>4 the machine that measures that.</p> <p>5 Q Okay.</p> <p>6 A If feminine products are performing</p> <p>7 properly. I built all the machines for</p> <p>8 Proctor &amp; Gamble for those types of things.</p> <p>9 So it is all the way from electron</p> <p>10 microscopes for military semi-conductor development, all</p> <p>11 the way down to something as earthy as feminine hygiene.</p> <p>12 Q I got it. So that kind of covered that</p> <p>13 answer there. I was going to break it down into parts,</p> <p>14 but that is kind of the, that is the electronic software</p> <p>15 inventions and products, that is kind of the description</p> <p>16 of all of that?</p> <p>17 A Yes. The thing that is -- I am sorry.</p> <p>18 Q Go ahead.</p> <p>19 A The thing that is in common is that they</p> <p>20 all do lots of measurements, lots of data, lots of</p> <p>21 statistical analysis, lots of software, lots of AI</p> <p>22 during that software, lots of control outputs to</p> <p>23 control and then also preparation of reports to enable</p> <p>24 the engineers or product managers to know what is</p> <p>25 happening.</p>

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<p>1 Q Okay. Is it fair to say none of the 2 products that you just described relate to election 3 technology?</p> <p>4 A Correct.</p> <p>5 Q None of the products relate to cyber 6 security, correct?</p> <p>7 A When you say relate, you know, I didn't do 8 any papers on election stuff. I only worked with my 9 students and nothing peer reviewed, how about if I put 10 it that way.</p> <p>11 I put stuff on social media on elections, 12 but never formally because that was not my field. 13 However, all the skills that you need to do elections 14 are easy compared to what I typically do.</p> <p>15 So to be able to analyze the election data 16 to me is a straightforward, straightforward task 17 compared to what I usually have to deal with.</p> <p>18 Q I want to followup on one thing that you 19 just said.</p> <p>20 You mentioned that you didn't do any 21 peer-reviewed writings on elections, but you put it out 22 kind of on social media?</p> <p>23 A Yes.</p> <p>24 Q When did you begin publishing on social 25 media regarding elections?</p>	<p>1 A I typically use six or seven parameters 2 that I monitor. There would be cultural parameters. 3 There would be previous elections. There would be, for 4 previous election outputs there would be demographics. 5 There would be statistical things, cycles. One of my 6 favorites is FOIA transforms which are, which is a 7 mathematical tool to identify periodicities.</p> <p>8 Q Can you explain -- I am sorry -- like what 9 are periodicities?</p> <p>10 A Yes. A simple periodicity would be if you 11 look at the historic record of presidential elections 12 for example, it typically goes two Republicans, two 13 Democrats, two Republicans, two Democrats. There is 14 one exception to that until recently because two 15 Reagans and one Bush. There were three. But normally 16 it went two, two, two, two, two, two. So that is a 17 periodic phenomenon.</p> <p>18 Well, there is a mathematical way to 19 characterize that. If you know the parameters that 20 characterize that, that is one of the parameters that 21 you would include in a model.</p> <p>22 There are other things. Like there are 23 natural cultural shifts. Children rebel against their 24 parents, and then their children rebel against them so 25 they are back like the grandparents. So that is a</p>
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<p>1 A I was one of the first 300 people on the 2 internet. I was in the first cyber net grant. So I 3 don't remember exactly when I started posting things, 4 but that was in early eighties.</p> <p>5 But I have always been outspoken about my 6 thoughts on those issues. And so I would make election 7 predictions, and I would show how I came to those 8 conclusions based upon publicly available data.</p> <p>9 Q And before November of 2020 when you were 10 writing about elections, did you ever opine that an 11 election was rigged?</p> <p>12 A No.</p> <p>13 Q Did you ever opine that an election was 14 manipulated?</p> <p>15 A No.</p> <p>16 Q And did you ever look at the voter turnout 17 data to say that it was a predictable result of 18 population curves?</p> <p>19 A I was focused on the election outcomes.</p> <p>20 Q When you say focused on election outcomes --</p> <p>21 A Who would win. Sorry.</p> <p>22 Q Who would win.</p> <p>23 You were just predicting who was going to 24 win kind of based on what? What were your predictions 25 based on?</p>	<p>1 natural cycle. That is about a 27-year cycle.</p> <p>2 Mathematical tools allow you to extract 3 periodicities like that. When you study multiple 4 periodicities, you can combine them into a very 5 compelling statistical tool that allows you to make very 6 accurate predictions just from mathematics.</p> <p>7 Q And did you, did you make those predictions 8 with respect to every presidential election?</p> <p>9 A Since 1980.</p> <p>10 Q So since 1980 you looked at the six or seven 11 parameters?</p> <p>12 A Well, I would not say that I had all six or 13 seven at first. I grew and learned.</p> <p>14 Q And did you look at those six or seven 15 parameters in connection with this election?</p> <p>16 A Yes. In 2020 I think you mean by this 17 election?</p> <p>18 Q Yes. I am sorry?</p> <p>19 A I am helping you now.</p> <p>20 Q Yes, the November 2020 election. I 21 appreciate it because it will be clearer for my 22 question.</p> <p>23 So you looked at those same parameters with 24 respect to this November 2020 election?</p> <p>25 A Yes. Yes.</p>

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1 Q And have you published your findings on 2 those six or seven parameters? 3 A On social media, yes. 4 Q And what did those, what was your prediction 5 based on those six or seven parameters? 6 A In 2016 my prediction was 2 to 1 Trump 7 would win. In 2020 my prediction was 20 to 1 Trump 8 would win. 9 Q We went on a little bit of a tangent there. 10 I want to get back to the resume. 11 A That is a mathematical term. 12 Q So the resume goes on to say that during the 13 nineties Dr. Frank helped to establish the Schilling 14 School for Gifted Children in Cincinnati. Schilling is 15 a K to 12 school for extraordinarily gifted youngsters. 16 Dr. Frank continues to teach a couple of their most 17 advanced math and science classes each year and 18 continues to serve as the math and science department 19 chair. 20 Do you see that? 21 A Yes. 22 Q Is that a correct statement? 23 A It may have been at the time this was 24 produced. 25 Q Is it no longer correct?	1 security? 2 A In my computer sciences classes. 3 Q What did you teach about cyber security in 4 your computer science classes? 5 A The first sentence I always told my 6 students is everything that you do on the internet is 7 not secure. So do not think anything that you do on 8 the internet is secure. And then I teach them how to 9 secure themselves as best as they are capable in lieu 10 of that and how to minimize the risk of cyber issues. 11 And then I would teach them also how to hack 12 each other so that they could learn better how to defend 13 themselves. And my students have extremely high IQs. A 14 fourth of them are autistic. They are almost savants at 15 this. 16 And so if you have somebody who is good at 17 sword fighting, you need to find other sword fighters to 18 help them become better. So nothing nefarious. We like 19 to call it whitehead hackers. 20 You teach each other how to defend 21 yourselves by hacking each other. That is a natural 22 tool and it exposes vulnerabilities and teaches you how 23 computers work. It teaches you how the internet works. 24 It teaches you how networks work. 25 If you merely are a computer user, you will
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1 A I am no longer affiliated with the school. 2 Q Okay. 3 A After I began this work, Dr. Schilling and 4 I had a talk. She said, and she and I agreed, I needed 5 a one-year sabbatical, and then that basically turned 6 into an indefinite sabbatical since this problem has 7 experienced a great deal of mission creep. 8 Q Do you intend to return to the Schilling 9 School after this? 10 A I do not. 11 Q Has that been your decision not to return? 12 A Yes. 13 Q When you were still teaching at Schilling, I 14 believe that you said that you taught a statistical 15 course? 16 A Many. 17 Q Many statistical courses. And you taught 18 math courses, correct? 19 A Yes. 20 Q Did you teach any courses on election 21 technology? 22 A No. 23 Q Did you teach any courses on cyber security? 24 A Yes. 25 Q What courses did you teach on cyber	1 never learn those things. But if you enter that realm 2 of programming and hacking, you suddenly learn how 3 everything works. So I use it as a pedagogy to teach my 4 students computer science. 5 Q And where did you learn what it is that you 6 are teaching about cyber security? I ask that because 7 you did not study it is my understanding. 8 How did you educate yourself? 9 A I did study it. I took all kinds of 10 computer classes at Westmont. I took Fortran 4, 11 Fortran 77, Pascal, computer architecture classes and I 12 have built computers my whole life as well. I grew up 13 in the computer age. So I can start from a piece of 14 paper and build you a complete computer. I can design 15 the transistors. I can design the circuits. I can 16 design the logic. And I can write all the operating 17 systems. In the early days I wrote my own operating 18 system for PCs because I did not like DOS. So I am 19 organically, but also in all of my scientific work. 20 When you are doing science, you cannot use 21 off-the-shelf components. They are not sophisticated 22 enough. You end up having to design and build your own. 23 That is what cutting-edge research is. 24 Q Did you use any textbooks or source 25 materials to teach your students on cyber security?

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<p>1 A No, mostly websites because they are 2 hacking communities and that is where the real 3 education is.</p> <p>4 Q Do you recall any of the websites that you 5 would use?</p> <p>6 A I would have to go research that.</p> <p>7 Q But maybe it would show up in your course 8 curriculum?</p> <p>9 A No, it would not be.</p> <p>10 Q Why not?</p> <p>11 A It is more dynamic than that.</p> <p>12 Q So perhaps notes prepared before class or 13 before the semester, that kind of place?</p> <p>14 A Teaching geniuses is different than 15 teaching a typical class. You typically set, have a 16 project. You say, here is the project we are going to 17 do and it will -- then you need to learn everything 18 that you need to learn along the way.</p> <p>19 Q Okay. How is everyone doing? We are about 20 an hour in. I can go a little longer or we can take a 21 break?</p> <p>22 A I am good.</p> <p>23 MR. GREENE: I am okay if everyone else is.</p> <p>24 Q Okay. We have been looking at this resume 25 from the Kate Bailey versus Antrim County, correct, and</p>	<p>1 dismissed.</p> <p>2 Q Do you know whether the court made any 3 findings as to your testimony or opinions?</p> <p>4 A I don't know.</p> <p>5 Q Okay. Have you been retained or served or 6 provided expert opinion in any other litigation related 7 to the 2020 election?</p> <p>8 A Yes.</p> <p>9 Q Okay. How many times?</p> <p>10 A I think it is three times.</p> <p>11 Q Let's talk about the first. What was the 12 first case, other than Antrim County, where you have 13 provided expert opinion?</p> <p>14 A But that was not served. I was not 15 subpoenaed for that. I mean, I understood your 16 question to be was I served.</p> <p>17 Q No. Just have you been involved with other 18 litigation related to the 2020 election where you have 19 provided expert opinion or just provided opinion about 20 the analysis that you have done regarding voter data?</p> <p>21 A Yes. Yes. Dozens and dozens of 22 situations.</p> <p>23 Q I want to talk about those.</p> <p>24 What is -- so dozens of situations. So tell 25 me the first one that you recall doing. What case was</p>
<p style="text-align: right;">Page 58</p> <p>1 we talked about the fact that you were providing expert 2 opinion in that case, right?</p> <p>3 A Yes. Yes. Sure.</p> <p>4 Q Okay. Were your opinions in that case 5 limited to your analysis of voter turnout and 6 registration data?</p> <p>7 A Yes.</p> <p>8 Q Did you present live testimony as part of 9 the Antrim --</p> <p>10 A No.</p> <p>11 Q I am just going to finish.</p> <p>12 MR. GREENE: Let him finish the question 13 first.</p> <p>14 A Sorry.</p> <p>15 MR. GREENE: It is okay. It is easy to 16 forget.</p> <p>17 Q It will not be written down. So it will be 18 unclear where I was going.</p> <p>19 A Forgive me, Michele.</p> <p>20 Q Did you provide live testimony as part of 21 the Antrim County litigation?</p> <p>22 A No.</p> <p>23 Q How did the Antrim County litigation 24 resolve?</p> <p>25 A My understanding is that the case was</p>	<p>1 that?</p> <p>2 A So people call me to discuss their cases 3 and then they say, how can I prove this or how I can 4 prove that?</p> <p>5 And then I will say, send me your voter 6 rolls and I will have a look and see what I can find.</p> <p>7 And the first, the first opportunity I had 8 like that was in Pennsylvania. I was asked by Members 9 of the House and the Senate to examine the voter rolls 10 for Pennsylvania, and I was part of a team of five or 11 six people. We were auditing the election, and we found 12 a massive amount of fraud in Pennsylvania.</p> <p>13 Q And did that turn into any sort of 14 litigation such as this where there is, you know, a 15 formal complaint and legal pleadings, depositions, that 16 sort of thing?</p> <p>17 A My understanding is there were four 18 lawsuits filed to the Supreme Court from Montgomery 19 County which was my focus county, but those cases were 20 denied by the Supreme Court.</p> <p>21 Q And in the cases, the Montgomery County 22 cases, did you provide to the court any testimony or 23 opinion?</p> <p>24 A It never went to court. The cases were 25 rejected.</p>

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<p>1 Q So they were dismissed on the pleadings 2 before?</p> <p>3 A Yes.</p> <p>4 Q So you did not -- there was no filing such 5 as there is in Antrim County where the attorney said, 6 Dr. Frank has analyzed the data and will testify X, Y, 7 Z; is that right?</p> <p>8 A I was consulting with the lawyers and they 9 were planning to have me testify.</p> <p>10 Q But it never got there?</p> <p>11 A But it never got there.</p> <p>12 Q Okay. Okay. After the Montgomery County 13 case -- let us set aside for a second places where you 14 just consult and nothing was filed or nothing got to the 15 point where you actually provided testimony -- have 16 there been any cases where you have provided testimony 17 either in a courtroom or, such as today, like a 18 deposition regarding your opinions on the voter data?</p> <p>19 A There are only a few because most of them 20 do not get that far.</p> <p>21 Q Let us talk about those few.</p> <p>22 A So you are only looking -- I am going to 23 ask you a question to clarify what you are asking me?</p> <p>24 Q Fair.</p> <p>25 A You are only interested in the ones where I</p>	<p>1 Zeidman arbitration.</p> <p>2 A Yes, and this one.</p> <p>3 Q And this one. So this is the only election 4 related case?</p> <p>5 A Yes.</p> <p>6 Q Other than the Zeidman arbitration where you 7 have been called to be deposed?</p> <p>8 A Yes. But, for example, yesterday I was on 9 the phone for two hours with an attorney from 10 Pennsylvania working on his case with him.</p> <p>11 MR. GREENE: Right. I just want to clarify.</p> <p>12 A I do that all of the time.</p> <p>13 MR. GREENE: I think he is trying to 14 distinguish those and start with ones that are actually 15 in court now, at least first. So that is what we are 16 trying to do, parse those.</p> <p>17 Q Right. Thank you.</p> <p>18 A I am doing my best to answer you.</p> <p>19 Q I understand. If you are not in the legal 20 field, you do not know necessarily the distinctions that 21 I am trying to draw here.</p> <p>22 A Right.</p> <p>23 Q So the first thing, as counsel said, is just 24 appeared at a deposition. We said this case and the 25 Zeidman arbitration?</p>
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<p>1 have written something formally?</p> <p>2 Q That is where I am starting, yes. I want to 3 know the ones where you have written something formally 4 or the attorneys have submitted something saying 5 Dr. Frank is going to provide this testimony.</p> <p>6 A So I am not sure I am going to be able to 7 answer this question just because it is such a huge 8 question because I spend every day of my life talking 9 to attorneys and legislatures and cases. I consult and 10 coach them all of the time, and I am not sure I can -- 11 we would be here for quite some time, days and days, 12 and I would have to pull of all of my records out. I 13 am not even sure that I would remember every phone 14 call.</p> <p>15 I am not sure how to answer your question, 16 if that makes sense. I am not trying to be evasive. I 17 am trying to answer your question.</p> <p>18 Q I am not asking about phone calls or 19 consulting or --</p> <p>20 A Yes.</p> <p>21 Q I think that you probably remember, if you 22 sat for a deposition before, right, you have not done 23 that you said?</p> <p>24 A Correct.</p> <p>25 Q Anything related to the 2020 other than the</p>	<p>1 A Yes.</p> <p>2 Q Have you appeared in court to testify in any 3 case?</p> <p>4 A Does appearing before a committee of the 5 legislature under oath count?</p> <p>6 Q Not for this question.</p> <p>7 A No.</p> <p>8 Q Okay. Have you appeared before a committee 9 of the legislature under oath to testify regarding --</p> <p>10 A Yes.</p> <p>11 Q -- regarding the November 2020 election?</p> <p>12 A Yes.</p> <p>13 Q Okay. How many times?</p> <p>14 A Let me think it through here. Publicly 15 under oath Kansas twice. House and Senate. Publicly. 16 Those are probably the only two times under oath, but I 17 have testified before legislatures and spoken at that 18 sort of thing but not like a formal proceeding.</p> <p>19 Q Okay. We will talk about those state 20 legislatures visits and things like that later.</p> <p>21 That is kind of when you go around and 22 present your data to a group of legislatures?</p> <p>23 A Yes. Yes.</p> <p>24 Q So let us talk about the publicly Kansas 25 times.</p>

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1        When was that?	Page 65	1        reports that were exchanged with an adversary in 2        litigation regarding the November 2020 election? 3        A    They didn't make it to that point, so no. 4        Q    So you were retained and consulted, but the 5        case did not get to the point where you would have been 6        disclosed in giving your opinions? 7        A    Right. Right. Exactly. That happens a 8        lot. 9            MR. FREY: Okay. Let's take maybe a 10      five- or ten-minute break. 11      MR. GREENE: Sure. 12      THE VIDEOGRAPHER: The time is 10:51. We 13      are now off the record. 14      (Recess was taken.) 15      THE VIDEOGRAPHER: The time is 11:02 and we 16      are back on the record. 17      Q    Mr. Lindell (sic), we just took a quick 18      break. 19      A    Did you call me Mr. Lindell? 20      Q    I apologize. Mr. Frank, we just took a 21      quick break. And I understand that over the break you 22      may have recalled another case in which you served as an 23      expert? 24      A    Yes. 25      Q    What case was that?
1        Q    How many? 2        A    Many in the committee. There were three or 3        four out of the 12 and then there were other 4        legislatures in the legislature, maybe half a dozen, 5        that met privately with me that were trying to get 6        legislation passed. It is an uphill battle. 7        Q    At the end of the day they did not do it? 8        A    They proposed legislation, but the 9        legislature did not pass it. 10      Q    The full body did not pass it? 11      A    Yes. 12      Q    So those are the -- that was you presented 13      to the House and the Senate in Kansas you said? 14      A    Yes, two separate occasions. 15      Q    Same substance of your testimony? 16      A    Similar. 17      Q    Okay. 18      And then we have, we have talked about the 19      formal testimony in court. 20      Have you written any expert reports that 21      have been filed in a case? Do you know what that means? 22      Actually submitted, exchanged with adversary in 23      litigation regarding -- 24      A    That would be Antrim. 25      Q    Other than Antrim, have you submitted any	Page 66	1        A    It is in Oregon. It was last year, mid 2        year, Washington County, Oregon. 3        Q    Who were the parties in that case? 4        A    It was the state and the county were the 5        plaintiffs and it was against -- the name is escaping 6        me at the moment. His first name was Tim, I think. I 7        can go look it up. 8        Q    Who were you providing testimony on behalf 9        of? 10      A    The defendant. 11      Q    And what was the defendant being sued for? 12      A    Restraining order by the Secretary of State 13      and the county to restrain him from using the data that 14      the county clerk had given him. 15      Q    What was the subject matter of your 16      testimony in that case? 17      A    Why the data he was given is valuable for 18      citizens to have in order to evaluate the integrity of 19      elections. 20      Q    And what type of data was it? 21      A    It is a complete backup of their EMS. 22      Q    And how did that case resolve? 23      A    The judge ruled that the data had to remain 24      sealed; that if it became public, it could compromise 25      the integrity of the elections. There were three,

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1 three reasons. That was just one of the three. There 2 was also a proprietary argument. I don't recall the 3 third one off the top of my head.	1 Sorry. 2 Q And did you and Mr. Greene discuss any other 3 substance of your testimony over the break?
4 Q Was that a written opinion, do you know, 5 that the judge issued?	4 A He just reminded me to let you finish your 5 sentences, which I have to remember, and not to 6 volunteer information, to answer your questions.
6 A I am sure.	7 Q Okay. And I see that you are taking notes 8 there.
7 Q Okay. And do you know if in the judge's 8 ruling he --	9 What kind of notes are you taking?
9 A She.	10 A Just a reminder, reminding me that your 11 name is Nate and Maura and Tim and Michele and just a 12 reminder to myself that I am not a teacher today, 13 because I am not here to teach you. I am here to 14 answer questions. It is kind of coaching myself. Is 15 that fair?
10 Q She, I apologize. If she evaluated your 11 testimony?	16 Q Yes. That is fair.
12 A My testimony was read into the record by 13 the attorney. When I took the stand, the prosecution 14 objected.	17 Q Okay. So I want to move on and talk some 18 about kind of how you started to do this work following 19 the November 2020 election.
15 Q So you did not actually testify live, it was 16 read in?	20 A Yes.
17 A I did testify live but not completely. 18 Half of my testimony was read in by the attorney and 19 half of my testimony was live.	21 Q So, first, were you registered to vote in 22 the 2020 election?
20 Q When did that occur?	23 A Yes.
21 A Mid year last year.	24 Q In which state were you registered?
22 Q Okay.	25 A Ohio.
23 A I want to say June.	
24 Q Okay. And what attorneys were you working 25 with on that case?	
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1 A It was one attorney. I have to look it up. 2 Q It was not Mr. Olsen?	1 Q Did you vote in the 2020 election? 2 A Yes.
3 A No.	3 Q Okay. Who did you vote for in the race for 4 president in the 2020 election?
4 Q It was not Mr. Deperno?	5 A Trump.
5 A No.	6 Q Were you a registered Republican in 2020?
6 Q How did you come to be involved in that 7 case?	7 A I believe so. I am libertarian in 8 philosophy so sometimes I switch. I am not certain.
8 A Because I am well-known in election 9 integrity circles as an expert in analyzing the voter 10 rolls. In fact, that is why this citizen asked for the 11 copy of the voter rolls in the first place. And then I 12 was coaching him on that and then the Secretary of 13 State panicked when she learned that he had been given 14 an entire copy of EMS.	9 Q On November 4, 2020, so the day after the 10 election, did you believe that the November 30, 2020 11 election, the presidential election specifically, had 12 been manipulated?
15 Q So the defendant had reached out to you 16 directly to ask for your assistance?	13 A I knew something was wrong.
17 A Yes.	14 Q And why did you suspect that?
18 Q Okay. And when you say the judge ruled that 19 the data had to remain under seal, essentially she 20 granted the TRO; is that correct?	15 A Because of my record predicting prior 16 elections. For me to be that far off, something had to 17 be wrong.
21 A Yes.	18 Q And that record you stated is the one where 19 you looked at various parameters?
22 Q Any other cases that you recalled over the 23 break?	20 A And I successfully predicted every election since 1980 presidentially.
24 A No, not over the break, but I do so much of 25 this that maybe I will remember something tomorrow.	22 Q And you said that you published those predictions on social media?
	24 A Yes.
	25 Q What social media account would you have

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<p>1 published those on?</p> <p>2 A Facebook.</p> <p>3 Q So that would have started maybe in 2006,</p> <p>4 correct?</p> <p>5 A No. I was on earlier than that. I was one</p> <p>6 of the first people in time.</p> <p>7 Q I am trying to think back. Facebook --</p> <p>8 A MySpace.</p> <p>9 Q Facebook was like 2003, I want to say</p> <p>10 Facebook came out.</p> <p>11 Does that seem fair?</p> <p>12 A Around there somewhere.</p> <p>13 Q So between the 1980s and 2003, where were</p> <p>14 you publishing your predictions?</p> <p>15 A Message boards.</p> <p>16 Q Do you have any records of that?</p> <p>17 A I imagine we can go looking, but it would</p> <p>18 be an adventure.</p> <p>19 Q When you say "message boards," what kind of</p> <p>20 message boards would you post that on?</p> <p>21 A Blogs, discussions, forums, chats where</p> <p>22 people would debate things.</p> <p>23 Q Do you have a record today of each of your</p> <p>24 published predictions for every presidential election</p> <p>25 since 1980?</p>	<p>1 Q Who is Kathy Barnette?</p> <p>2 A She was a candidate for the House of</p> <p>3 Representatives in 2020 and she is the one who asked me</p> <p>4 to look at her election for Montgomery County. That</p> <p>5 led to my interactions in cooperation with the team</p> <p>6 that I mentioned earlier in Pennsylvania.</p> <p>7 Q So how did you first meet Kathy Barnette?</p> <p>8 A Because during the campaign she was</p> <p>9 visiting my social media web pages to learn about COVID</p> <p>10 and learn what the statistics were. I was graphing</p> <p>11 every county in the country at that time. So any</p> <p>12 politician could go look and see what the numbers</p> <p>13 looked like for their county. And so it was a campaign</p> <p>14 year and people wanted to know where we stand. What is</p> <p>15 happening? Where are we at in the epidemic? I was</p> <p>16 showing people their own data. So that is how we</p> <p>17 became acquainted.</p> <p>18 Q In the months leading up to the election,</p> <p>19 you were doing kind of COVID data analysis and</p> <p>20 presentations?</p> <p>21 A Yes. Yes.</p> <p>22 Q Okay. And when did you start compiling data</p> <p>23 related to the COVID pandemic?</p> <p>24 A You are going to be surprised. December of</p> <p>25 2019.</p>
<p>1 A Not in one place. I mean, we would have to</p> <p>2 go compile it. It would be an expedition.</p> <p>3 Q Okay. Moving on, so on November 4 you said</p> <p>4 that you knew that something was wrong because you had</p> <p>5 typically predicted correctly and in this case you were</p> <p>6 off, correct?</p> <p>7 A There were other symptoms too, but that was</p> <p>8 just one of the symptoms.</p> <p>9 Q Okay. What other symptoms?</p> <p>10 A The fact that the election stopped, it is a</p> <p>11 huge symptom.</p> <p>12 Q Anything else?</p> <p>13 A The media reporting was strange and</p> <p>14 suspicious, early calls, et cetera.</p> <p>15 Q Okay. So the media reporting was strange</p> <p>16 and suspicious because of early calls.</p> <p>17 Anything else that you thought was strange</p> <p>18 or suspicious about the media reporting?</p> <p>19 A Probably. It was a long time ago. I don't</p> <p>20 know if I remember. The red flags were screaming</p> <p>21 something is wrong with this. I need to look into</p> <p>22 this.</p> <p>23 Q Do you know a woman by the name of Kathy</p> <p>24 Barnette?</p> <p>25 A Yes.</p>	<p>1 Q Why did you start doing that?</p> <p>2 A Because one of my two students at Shilling</p> <p>3 is an exchange student from China. And when I told him</p> <p>4 that that year in differential calculus we were going</p> <p>5 to be modeling elections because we do that every four</p> <p>6 years, but I also showed my students past epidemics we</p> <p>7 modeled, including Ebola, SARS-CoV-1, and AIDS and</p> <p>8 Sunspots and all the other types of modeling we had</p> <p>9 done in the past, I said, this is an election year so</p> <p>10 we are going to do elections, but here are some of the</p> <p>11 other ones that past students have done. He saw that</p> <p>12 and he said, whoa, I want to do an epidemic. Can we</p> <p>13 please do an epidemic instead? Why? Because we are</p> <p>14 having an epidemic back home.</p> <p>15 Q So you started that in 2019 with the student</p> <p>16 modeling the COVID?</p> <p>17 A And then by January I had 5,000 people</p> <p>18 following me on my Facebook page. By March I had</p> <p>19 25,000. By the summer I had 150,000 people because, of</p> <p>20 course, COVID was becoming an important discussion</p> <p>21 topic in America, and I had all the graphs and I</p> <p>22 already had all the infrastructure for showing people</p> <p>23 the data.</p> <p>24 Q Okay. And so before you started posting the</p> <p>25 graphs about the COVID epidemic data, your social media</p>

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1 following was significantly smaller; is that fair?	1 A I don't recall.
2 A Oh, yes.	2 Q You don't recall if it was phone or email?
3 Q Okay. Like a couple hundred people? A	3 A Yes.
4 thousand people?	4 Q Okay. What did you discuss with
5 A A couple thousand. Because of my bowling	5 Mr. Bertogli when he contacted you?
6 industry products, I used social media to support my	6 A B-e-r-t-o-g-l-i. First name is V-i-c-o.
7 customers around the world.	7 They were questioning the integrity of her race and
8 Q Okay. And then as a result of your COVID	8 they said, would you please look at some data for us?
9 modeling you said it grew to a couple hundred thousand?	9 We have had some other statistician look at our data
10 A 150,000 hits per week. Unique visitors per	10 and we don't understand his methodology, nor do we
11 week. Facebook tracks that for you. I had 150,000	11 understand his conclusions, and Kathy knows you from
12 unique visitors a week on Facebook.	12 your interactions during COVID and trusts you. Would
13 Q Okay. And which Facebook page were you	13 you be willing to look at those data for us?
14 posting these on? Was it your personal page or was it	14 I said, of course. So they sent me those
15 like a company page?	15 data and I immediately saw huge issues in the records
16 A I set up special pages for COVID modeling.	16 and agreed to help her out with that, to begin working
17 Q Okay. What were those pages?	17 on that.
18 A I think one of them was called Dr. Frank	18 Q Okay. And during this first conversation
19 Models. And another one was called Follow the Data	19 with Mr. Bertogli, was anyone else present?
20 with Dr. Frank. Facebook took all of those down.	20 A I don't recall. Probably Kathy.
21 Q That is what I was going to ask. I was	21 Q Was probably on the communication as well?
22 going to ask if those are still up?	22 A Probably.
23 A No.	23 Q Okay. And I believe that you said, so you
24 Q And were those the same pages you would	24 said okay, send me the data. And then you saw huge
25 later use to put your election data modeling?	25 issues and so you agreed to help out with that?
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1 A No, because they were down.	1 A Yes.
2 Q So when did the government or when did	2 Q How long did it take between the time that
3 Facebook, I apologize, when were those Facebook pages	3 they sent you the data and you agreed to help?
4 taken down?	4 A Wow, the very same day, that afternoon. It
5 A About a month before the election.	5 was so obvious. I called them right back and said, I
6 Q Okay. And you said Kathy Barnette was	6 was expecting it to be a big, long job but immediately
7 someone who followed you on your Facebook pages or on	7 there were anomalies everywhere. I said, this is
8 your Facebook page related to COVID modeling?	8 serious.
9 A Correct.	9 Q And had Mr. Bertogli or Ms. Barnette
10 Q And did you actually meet her in connection	10 indicated to you that they would like you to find
11 with that?	11 anomalies in the data?
12 A On podcasts.	12 A No. In fact, Vico and I had a really good
13 Q And then I understand that Ms. Barnette then	13 scientific discussion. As soon as they started
14 asked you to consult with her on issues related to her	14 explaining things, I said stop. I do not want to hear
15 election?	15 anything. I do not want to be pre-biased in any way.
16 A Correct.	16 I am a scientist. Just give me your data and let me
17 Q Okay. And who initially contacted who as	17 see what I can find myself. I did not even want to
18 related to that work? Did she reach out to you or did	18 read the other statistician's report. I want to have a
19 you reach out to her?	19 completely clean slate. That is the scientific method.
20 A Her associate, Vico Bertogli.	20 Q And at the time that Ms. Barnette's
21 Q And when did Ms. Bertogli contact you?	21 assistant reached out to you, had you done any personal
22 A Mr. Bertogli.	22 investigation into the data behind the November 3, 2020
23 Q Mr. Bertogli contact you?	23 election?
24 A Early December.	24 A No.
25 Q And how did he contact you?	25 Q So then you started your, started on this

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<p style="text-align: right;">Page 81</p> <p>1 journey as a result of that phone call, correct?      2 A Correct.      3 Q Okay. Before your conversation with      4 Mr. Bertolgi and Ms. Barnette asking you to assist, have      5 you ever studied voter registrations?      6 A Not in this way. I had in other ways.      7 Q In what ways had you studied them?      8 A You can download all sorts of information      9 from Secretary of State websites showing you      10 registration records, and I had not taken it down to      11 address level before. I only looked at precinct level,      12 how many Republicans are registered and how many      13 Democrats are registered and tracking those trends.      14 Oh, gee, this precinct is becoming more      15 Republican. This one is becoming more Democrat. It      16 allows you to make better predictions in the aggregate,      17 but I had not gone down to the individual address level      18 before.</p> <p>19 When they gave me a copy of the voter rolls      20 from Montgomery County, I could see every voter, what      21 their address was and their complete voter history. And      22 I began analyzing that, but I had not gone to that deep      23 in the weeds as they say before.</p> <p>24 Q Okay. The reason you had looked at the      25 precinct voter data before was just for your kind of</p>	<p style="text-align: right;">Page 83</p> <p>1 Q Before your conversation with Ms. Barnette's      2 assistant and your work for Ms. Barnette, have you ever      3 studied election technologies?      4 A I looked into the chad thing a little bit.      5 Q What do you mean by the chad thing?      6 A The hanging chad thing.      7 Q The hanging chad thing, okay.      8 A I looked into that a little bit. And      9 because of my use of the internet for some years, I was      10 curious about the way state voter rolls were      11 maintained. I ran into that decades ago and studied it      12 cursorily but not into the weeds.      13 Q How did you -- you said that you ran into      14 that decades ago.      15 How did you run into that?      16 A The Secretaries of State web pages are full      17 of all sorts of interesting data and interesting links.      18 So if you look behind the code, you know when most      19 people look at a website they see something and what      20 they do not realize is what they are seeing is being      21 produced by software. And you can look at that      22 software. And when you look at that software, you can      23 see where they are getting all of their data as well      24 which allows you to dig deeper into what is going on.      25 You are not merely seeing what they are presenting.</p>
<p style="text-align: right;">Page 82</p> <p>1 curiosity to make your predictions with respect to the      2 elections?      3 A To teach my students how to do this. I      4 have a former student who predicted the mid-term 2018      5 amazingly accurately for the entire country. He wrote      6 an AI program, which I coached him on and taught him      7 how to write the software that gathers the data from      8 all the websites and runs it through an AI program and      9 predicts the outcome. This is what I do. These are      10 amazing youngsters.      11 Q So that was looking at voter registrations.      12 Similarly, before you started working with Ms. Barnette,      13 had you ever studied voter turnout?      14 A Of course.      15 Q And when had you done that?      16 A Since the eighties.      17 Q And why do you do that?      18 A Well, because that is how you make      19 better predictions. You gather data on turnouts and      20 then you use those data to feed into your models to      21 make good predictions.      22 Q And would you have written anything about      23 your analyses voter turnout or voter registration prior      24 to post November 2020?      25 A I would not have, no.</p>	<p style="text-align: right;">Page 84</p> <p>1 You are also seeing where they got their data, how it      2 was processed and presented. And that is part of, if      3 you want to have good models, you need to have      4 good data. So you need to get to the source not after      5 somebody else has worked it over.      6 Q Why were you looking at the Secretary of      7 State web pages and looking behind the data at the      8 software?      9 A Because I am teaching my students how to      10 model and I am curious myself, and it is a challenge.      11 I am a scientist. What do scientists do? You gather      12 data and make models and predictions. That is what we      13 do.      14 Q This was in connection with your teaching?      15 A Also, I am a scientist. I have fundamental      16 curiosity. How predictable is the world? If I can      17 predict every election, that is interesting. Is that      18 because people are predictable? Well, they are in the      19 aggregate. There is a thing called Bayes theorem. He      20 was one of my favorite theorems. He was able to      21 predict population growth throughout Europe two or 300      22 years ago. How did he do that? Mathematics is very      23 powerful. Mathematics is sort of my drive.      24 Mathematics and science are my driving principles.      25 Q Okay. So my original question was, had you</p>

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<p style="text-align: right;">Page 85</p> <p>1 studied election technologies? You said the hanging 2 chad thing?</p> <p>3 A Yes.</p> <p>4 Q You are talking about kind of looking behind 5 the Secretary of State website to understand data?</p> <p>6 A Yes.</p> <p>7 Q Do you characterize the data as election 8 technology?</p> <p>9 A Well, during elections data are reported to 10 news services, for example, and what you see when you 11 look at a web page when it is reporting election 12 results is typically not being managed by the state. 13 They have hired a third party firm such as the New York 14 Times Edison series or one of these groups that gather 15 the data, crunch it and feed it back to the state 16 during the elections.</p> <p>17 I have looked into that extensively in the 18 past because if you are trying to predict elections, you 19 want to know where all of those data are coming from and 20 you like to see the source data. If you know people 21 turn out early in this precinct or if they turn out late 22 in this precinct. So, in that sense, yes, I have looked 23 into that technology quite a bit over the decades.</p> <p>24 Q Okay.</p> <p>25 A Especially since about 2000 when the</p>	<p style="text-align: right;">Page 87</p> <p>1 A Well, after I was shocked by what I found, 2 she set up Zoom calls for me and Vico and her and her 3 team with two legislatures, the head of the each of the 4 committees. There was a committee in the House and a 5 committee in the Senate. And I might confuse that, but 6 one of them was Russ Diamond. I think he was a Rep and 7 Frank Ryan who was the Senate. So there were 8 committees in the legislature that I began interacting 9 with because I found things and they were interested. 10 In the words of Russ Diamond, Dr. Frank, you 11 solved the crime of the century because I was able to 12 write FOIA transforms and recognize patterns that nobody 13 else had seen.</p> <p>14 Q And, well, the data you were looking at, 15 that data was provided to you by Ms. Barnett Barnette; 16 is that correct?</p> <p>17 A The county, the county will sell you a copy 18 of the voter rolls for 20 dollars and they were 19 downloading those every week. And so I was given a 20 copy, I believe, by Vico. I said, hey, I want this. 21 He would download it and give to me.</p> <p>22 Q And that was the voter rolls. So that was 23 the actual, the actual ballots cast?</p> <p>24 A It would record every voter, every voter's 25 address, all the registration information, which</p>
<p style="text-align: right;">Page 86</p> <p>1 internet became integrated into the elections.</p> <p>2 Q You predicted my next question.</p> <p>3 When did you start looking at that?</p> <p>4 A Yes. Yes.</p> <p>5 Q Okay. Had you ever, before you began this 6 work with Ms. Barnett Barnette, had you ever studied 7 electronic voting machines?</p> <p>8 A No.</p> <p>9 Q Before your conversation with Ms. Barnett 10 Barnett and Ms. Barnett Barnette's assistant and the 11 work that you began performing for Ms. Barnett Barnette, 12 did you have any familiarity with Dominion voting 13 machines?</p> <p>14 A No.</p> <p>15 Q And I think you --</p> <p>16 A I voted on one.</p> <p>17 Q Okay. Me too, I believe. And I think that 18 we established earlier that before you started working 19 on this work for Ms. Barnett Barnette and before you 20 watched Mr. Lindell's documentaries, you did not have 21 any familiarity with Smartmatic either, correct?</p> <p>22 A Correct.</p> <p>23 Q Okay. So after Ms. Barnett Barnette's 24 assistant contacted you and shared the data and you 25 looked at it, what did you do next?</p>	<p style="text-align: right;">Page 88</p> <p>1 elections they voted in the past, et cetera. Every 2 state is a little different. Some states separate what 3 they call the voter history from the registration 4 rolls. In Pennsylvania they are merged. So it is a 5 single file that contains who voted, as well as who is 6 registered.</p> <p>7 Q Okay. And that came through Mr. 8 Bertogli. from the county website that he got for 2020?</p> <p>9 A Yes. Yes.</p> <p>10 Q Okay. And then at some point Ms. Barnett 11 Barnette filed litigation, correct?</p> <p>12 A I don't know if she did or not. I think 13 she was working with the legislature. I am not sure 14 she did litigation.</p> <p>15 Q Okay. Aside from -- and I know that you 16 said that you met with the Senate and House Committees?</p> <p>17 A Yes.</p> <p>18 Q Did you do any -- did you provide any other 19 testimony in connection with Ms. Barnett Barnette's 20 challenge to her election results?</p> <p>21 A No, not formally.</p> <p>22 Q Did you provide any written declarations or 23 reports?</p> <p>24 A No.</p> <p>25 Q You said that you are not sure whether she</p>

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<p>1 filed litigation or tried to go through the legislature, 2 correct?</p> <p>3 A Late in February she called me and she 4 said, I give up. They are not going to fix my 5 election.</p> <p>6 So I am going to introduce you to Mike 7 Lindell. So I interpret that as meaning she was not 8 filing a lawsuit. She was trying to get the legislature 9 to address her concerns.</p> <p>10 Q Okay. And she was unsuccessful in that?</p> <p>11 A Correct.</p> <p>12 Q Okay. Beyond your data analysis, did you do 13 any other work for Ms. Barnett Barnette in connection 14 with her challenge to her election results?</p> <p>15 A For Ms. Barnett Barnette, no.</p> <p>16 Q Okay.</p> <p>17 A I don't think that is quite accurate. So I 18 am a scientist and I design experiments. I set up 19 controls. So once I discovered the pattern that I was 20 finding in Pennsylvania, I started looking in other 21 states.</p> <p>22 So I think it is incorrect to say that I did 23 not do other analysis, I did, of other states, multiple 24 other states. Was that for her? It is related because 25 I am doing an experiment. I am trying to see if I can</p>	<p>1 agreement regarding --</p> <p>2 A No.</p> <p>3 Q I believe I may have seen somewhere that you 4 also went out and knocked on doors for Ms. Barnett 5 Barnette; is that true?</p> <p>6 A I did not do it -- I am sorry. I did not 7 do it myself.</p> <p>8 Q Okay.</p> <p>9 A I was proposing experiments. I said to 10 Vico, this is what I think is going to happen based 11 upon the voter rolls analysis that I have done. Put 12 together a team and go knock on doors and see if I am 13 right.</p> <p>14 I predicted, based upon my models, that if 15 they were to knock on -- they gave me a list of 1,600 16 doors. I said, based upon my analysis of these, if you 17 knock on these doors, you are going to find 30 percent 18 of the doors have a phantom voter there.</p> <p>19 And when they did the experiment, it was 20 three days worth of canvassing, 100 people did it, they 21 found 32 percent. So I knew I was onto something at 22 that point.</p> <p>23 Q Do you know how they selected the 1,600 24 doors?</p> <p>25 A I do not know.</p>
<p>1 understand this pattern. So I am trying to be accurate.</p> <p>2 Q Okay. That is fair.</p> <p>3 So the work that you did for Ms. Barnett 4 Barnette, I think that you said began in early December 5 is when she contacted you?</p> <p>6 A Yes. Correct.</p> <p>7 Q And then after that time, I believe that you 8 just said that you started to look at other states, 9 correct?</p> <p>10 A Yes.</p> <p>11 Q When did you start to look at the other 12 states, in December?</p> <p>13 A In December as well.</p> <p>14 Q Did Ms. Barnett Barnette compensate you for 15 the work that you were doing for her?</p> <p>16 A She did. I asked -- I was new to this. I 17 did not know what I was getting into. I asked her for 18 2,500 bucks for a week's of worth, which is a very 19 discounted price. Later she paid me five out of the 20 goodness of her heart because she was grateful for all 21 the work that I had done.</p> <p>22 Q So she paid you \$5,000 for the work that you 23 did on her behalf?</p> <p>24 A Yes.</p> <p>25 Q Okay. Did you have any kind of written</p>	<p>1 Q Okay. Do you know how they determined what 2 a phantom voter was, what their phantom definition was?</p> <p>3 A A phantom voter is someone who you have 4 counted a ballot from but they did not cast it. They 5 could be dead. They could be in another state or they 6 could just simply say I didn't vote and somebody voted 7 in my place. That is a phantom voter.</p> <p>8 Q And so do you know whether they made the 9 determination that someone was actually a phantom voter 10 only if they spoke to someone who said that no, I did 11 not vote?</p> <p>12 In other words, did they get confirmation 13 from the person that they themselves had not voted?</p> <p>14 A Everything was confirmed in person or we 15 didn't count it.</p> <p>16 Q So if someone did not open their doors --</p> <p>17 A They would not be included in the 18 statistics.</p> <p>19 Q Okay. And of those 1,600 doors, do you know 20 how many people opened their doors?</p> <p>21 A I don't remember those statistics.</p> <p>22 Q Okay. So then you said that at some point 23 in February I believe of 2021 Ms. Barnett Barnette told 24 you to stop, I am going to introduce you to Mike 25 Lindell; is that correct?</p>
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<p style="text-align: right;">Page 93</p> <p>1 A Correct.</p> <p>2 Q And why did she introduce you to Mike</p> <p>3 Lindell?</p> <p>4 A She was feeling bad. I was feeling bad,</p> <p>5 because we had exposed so much fraud in the state of</p> <p>6 Pennsylvania and they were not going to fix it. And so</p> <p>7 she is like, I give up. They are not going to fix</p> <p>8 this, but I know you invested so much of your personal</p> <p>9 time analyzing all of these other states. I think</p> <p>10 Mr. Lindell would be interested in your work. This is</p> <p>11 after Absolute Proof had come out, et cetera.</p> <p>12 And so she -- I don't know how she made the</p> <p>13 introduction, but she did and then I got the phone call</p> <p>14 from Kurt Olsen asking me to present my work to several</p> <p>15 attorneys.</p> <p>16 Q Okay. So before Ms. Barnett Barnette said,</p> <p>17 hey, I am going to introduce you to Mike Lindell, had</p> <p>18 you heard of him before?</p> <p>19 A Of course.</p> <p>20 Q What did you know about him?</p> <p>21 A The MyPillow guy. I had seen his</p> <p>22 commercials for years.</p> <p>23 Q Did you know anything about him other than</p> <p>24 he is the MyPillow guy?</p> <p>25 A No. Well, not true because I had seen</p>	<p style="text-align: right;">Page 95</p> <p>1 Q And what did he say when he contacted you?</p> <p>2 A I don't remember, but it was something to</p> <p>3 the effect of Kathy Barnette gave me your name. You</p> <p>4 have done a lot of work in Pennsylvania. I would like</p> <p>5 to -- I would like several attorneys to hear your work.</p> <p>6 Let us schedule a Zoom. I believe that Zoom was on a</p> <p>7 Thursday afternoon. It was supposed to be for one hour</p> <p>8 I think or two hours and it turned into four hours.</p> <p>9 Q Okay. So you have the initial phone call.</p> <p>10 He says, Ms. Barnett Barnette talked about you. I would</p> <p>11 like you to meet with several other attorneys to</p> <p>12 present, right?</p> <p>13 A Yes.</p> <p>14 Q What did you say to him?</p> <p>15 A Sure. I would love to.</p> <p>16 Q Okay. And on that initial phone call, did</p> <p>17 Mr. Olsen ask you anything about your education and</p> <p>18 experience?</p> <p>19 A I don't recall.</p> <p>20 Q Did he ask you any questions about the</p> <p>21 substance of the analyses you had been performing?</p> <p>22 A I don't recall.</p> <p>23 Q When you had the Zoom meeting, the follow-up</p> <p>24 Zoom meeting with the attorneys --</p> <p>25 A Yes.</p>
<p style="text-align: right;">Page 94</p> <p>1 Absolute Proof. I had seen the movie Absolute Proof.</p> <p>2 Q Prior to seeing Absolute Proof you knew him</p> <p>3 as the MyPillow guy?</p> <p>4 A Correct.</p> <p>5 Q Did you have any opinions of Mr. Lindell</p> <p>6 before Ms. Barnett Barnette said, I am going to put you</p> <p>7 in contact with him?</p> <p>8 A Nothing substantial.</p> <p>9 Q And you said that you had been following at</p> <p>10 least his first publication regarding the election which</p> <p>11 was the Scientific Proof or Absolute Proof? I get those</p> <p>12 mixed up. Absolute Proof you had watched before you met</p> <p>13 him?</p> <p>14 A Correct.</p> <p>15 Q And you said that when Ms. Barnett Barnette</p> <p>16 made the introduction, the first person who spoke with</p> <p>17 you was Kurt; is that right?</p> <p>18 A Correct.</p> <p>19 Q How did Mr. Olsen contact you?</p> <p>20 A Phone.</p> <p>21 Q Okay. Do you remember when, what the date</p> <p>22 was?</p> <p>23 A It was either very late February or early</p> <p>24 March. It was the week before my filming of Scientific</p> <p>25 Proof and I think that was early March.</p>	<p style="text-align: right;">Page 96</p> <p>1 Q -- did they ask you anything about your</p> <p>2 education and experience?</p> <p>3 A I don't recall.</p> <p>4 Q Do you recall if they asked you anything</p> <p>5 about the substance of your analysis?</p> <p>6 A Well, of course, it was four hours long. I</p> <p>7 gave my presentation, and then they asked questions for</p> <p>8 a long time. It was supposed to be short and it turned</p> <p>9 out to be four hours, about 16 attorneys.</p> <p>10 Q Do you recall who any of those attorneys</p> <p>11 were?</p> <p>12 A Yes. Andy Howse was one of them. Eric</p> <p>13 Giuliani was one them. Kurt Olsen was one them.</p> <p>14 Q Anybody else?</p> <p>15 A I do not recall the others.</p> <p>16 Q Okay. Do you recall if Mr. Lindell was on</p> <p>17 that Zoom meeting?</p> <p>18 A I am sure he wasn't.</p> <p>19 Q You are sure he was not?</p> <p>20 A I am sure he was not.</p> <p>21 Q Okay. Do you know if any other MyPillow</p> <p>22 employees, not attorneys, were on that phone call?</p> <p>23 A I don't. I would not -- no, because</p> <p>24 two-thirds of the people I did not even know who they</p> <p>25 were. I assumed they were legal aids and stuff.</p>

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<p style="text-align: right;">Page 97</p> <p>1 Q Do you have a calendar invite or any kind of 2 record of an invite for that phone call or for that Zoom 3 call I should say?</p> <p>4 A Probably on my phone.</p> <p>5 Q The phone that the FBI took?</p> <p>6 A I looked for that actually because I knew 7 that is what you were asking for in the subpoena. I 8 could not find it. I mean, that is a fair request for 9 you to ask for that. I tried to find it.</p> <p>10 Q Thank you.</p> <p>11 During that phone call or that zoom call, 12 excuse me, did they then request that you appear on the 13 documentaries?</p> <p>14 A The very next morning Kurt called me and 15 said, we want you in Memphis on Monday morning.</p> <p>16 Q Okay. And did he say what he wanted you to 17 talk about?</p> <p>18 A He wanted me to present my work, and Mike 19 wanted to film it. And originally the story was or the 20 plan was I mean to say that he was going to film for 21 about an hour and take 20 minutes, edit down to 20 22 minutes and insert that into his upcoming documentary 23 called Absolute Interference. That was the original 24 plan.</p> <p>25 Q Okay. And did you, in fact, then go to</p>	<p style="text-align: right;">Page 99</p> <p>1 Q It is attached to the complaint filed in the 2 case. If you go on Pacer or have your attorneys, you 3 can get it.</p> <p>4 A I wanted to make notes in it, and I wanted 5 to keep it if I make notes in it.</p> <p>6 MR. FREY: Let us go off the record for a 7 second.</p> <p>8 THE VIDEOGRAPHER: The time is 11:42. We 9 are off the record.</p> <p>10 (Recess was taken.)</p> <p>11 THE VIDEOGRAPHER: The time is 11:43 a.m. 12 We are on the record.</p> <p>13 Q Okay. Back on the record. Dr. Frank, we 14 were talking about the transcript of the Scientific 15 Proof recording, correct?</p> <p>16 A Yes.</p> <p>17 Q Okay. And do you recall when this, when 18 Scientific Proof was actually disseminated and published 19 to the public?</p> <p>20 A I believe it was March of 2021.</p> <p>21 Q Okay. And do you recall when you actually 22 taped Scientific Proof with Mr. Lindell?</p> <p>23 A It was on a Tuesday morning at about nine 24 o'clock. We were supposed to be there from 9 to 11 and 25 he ended up filming from like 10 to 1.</p>
<p style="text-align: right;">Page 98</p> <p>1 Memphis the next week to film the documentaries?</p> <p>2 A I did.</p> <p>3 Q Okay. And so you did appear on the 4 documentaries called Scientific Proof, Internationally 5 Renowned Physicist, Absolutely Proof 2020 Election was 6 the Biggest cyber Crime in World's History, correct?</p> <p>7 A I appeared in that movie.</p> <p>8 Q Okay. I am going to hand you what was 9 previously marked as Exhibit 30 which is a transcription 10 of that recording that Smartmatic attached as Exhibit 3 11 to its complaint in this lawsuit.</p> <p>12 If you can take a minute to flip through it. 13 I do not expect you to read the whole thing.</p> <p>14 A It looks like it is.</p> <p>15 Q Does it seem as though it is a true and 16 correct transcription of the recording?</p> <p>17 A At first glance.</p> <p>18 MR. GREENE: Objection to the extent that he 19 does not have time to read 74 pages in ten seconds, but 20 go ahead.</p> <p>21 A First glance.</p> <p>22 Q And this was --</p> <p>23 A May I keep this? Is this for me?</p> <p>24 Q We will discuss it off the record.</p> <p>25 MR. GREENE: We will talk about that later.</p>	<p style="text-align: right;">Page 100</p> <p>1 Q Okay. And when you were taping this with 2 Mr. Lindell, it sounds like you did have a discussion 3 for longer than the amount of content that was 4 published; is that correct?</p> <p>5 A Yes.</p> <p>6 Q Okay. Do you know how he edited it to 7 publish the portions that he did?</p> <p>8 A I had nothing to do with that.</p> <p>9 Q Have you watched the published version of 10 Scientific Proof?</p> <p>11 A Of course.</p> <p>12 Q Is there anything that you said in the 13 unpublished portion or the unpublished portion of the 14 taping that is different than what was published in the 15 documentaries?</p> <p>16 A Not to my knowledge.</p> <p>17 MR. GREENE: I object to the form.</p> <p>18 Q Had you met Mr. Lindell before the taping of 19 Scientific Proof?</p> <p>20 A Sunday night at dinner.</p> <p>21 Q Okay. So Sunday night, and you were taped 22 on a Tuesday morning you said, correct?</p> <p>23 A Yes.</p> <p>24 Q So two nights before you went to dinner with 25 Mr. Lindell?</p>

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1 A With about 30 people. 2 Q Okay. And who were the other people at that dinner? 4 A Other people that were being taped, other witnesses, security. 6 Q Did you have any personal contact with Mr. Lindell at that dinner? 8 A Yes. I sat right next to him. 9 Q Okay. And what did you and Mr. Lindell talk about at that dinner on Sunday night before the filming? 11 A Now I want to make a joke. The question is, what did Mr. Lindell talk about? He basically told us all stories from his past. It was not a business meeting. It was a party. 15 Q Did you and Mr. Lindell discuss at all the substance of your analysis? 17 A He knew nothing of it except he was told that I had something he wanted to see or he should see. 19 Q And about how long was the dinner, if you recall? 21 A Three hours. 22 Q This was in Memphis you said, correct? 23 A Yes. 24 Q So before you taped Scientific Proof, is it fair to say that you did not tell Mr. Lindell personally	1 A Yes. 2 Q When you took breaks, did you and Mr. Lindell talk at all about the substance of what was being taped? 5 A No. We took breaks because he had to do something. So he would step out of the studio and I would wait in studio for his return. 8 Q And when you took the breaks, did you and Mr. Howse talk at all about the substance of what you were presenting during the taping of Scientific Proof? 11 A No. 12 Q And same question, when you took the breaks after you realized Ms. Fanning was there on streaming, did you and her have any conversations about the substance of what you were taping on Scientific Proof? 16 A I don't recall. It was mostly nice to meet you, kind of nice talk. She talked a little bit about Dennis Montgomery, but I didn't know -- she did not use his name at that time. I did not know who it was. 20 She said something to the order of, we sure are glad to meet another physicist because we had another physicist but you have credibility and you don't have a history. And so it is nice that we got to meet you, something like that. 25 Q Okay.
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1 what you were going to say? 2 A Correct. 3 Q Okay. When you taped Scientific Proof, who else was present other than you and Mr. Lindell? 5 A Brian Howse, his son Logan and someone was there by streaming and it was Mary Fanning. 7 Q And did Mr. Howse provide any direction or guidance to you with respect to what you were presenting in the taping of Scientific Proof? 10 A No. 11 Q And did Ms. Fanning provide any direction or guidance to you in terms of the substance of what you said on Scientific Proof? 14 A No. 15 Q You said it lasted about three hours, the taping, correct? 17 A Yes, more like three and a half. 18 Q Okay. And were there times during the taping where you would go like off recording and just have conversations or was the whole thing recorded? 21 A I don't recall. I think we took a break about halfway through. That is when I discovered that Mary Fanning was there. I didn't even know the first half of the taping that she was streaming in. 25 Q Were you in a recording studio?	1 A I mean, I am a legitimate physicist. 2 Q And was Ms. Fanning on video during the zoom or was it just -- 4 A Audio only. 5 Q Audio, okay. 6 I want to talk through some of the statements in the transcript. So if you can flip with me to page 2 which is -- 9 A I am there. 10 Q Okay. And about midway down Mr. Lindell welcomes you and he states, I mean, what you showed me before, I want everyone to see in this hour. 13 Do you see that? It is line 9 of page two. 14 A Yes. 15 Q Okay. And is it the case that you had actually shown Mr. Lindell your analysis before taping this? 18 A So what was supposed to happen was our time was from 9 to 11. He was late. He showed up at 10:05. He walks into the studio and he has never seen any of my work before and he says, all right. Let us get going here. 23 And I said, what do you want me to do? 24 He says, just start. 25 What do you mean just start? What do I -- I

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1 have not even shown you any of my work yet. Where I do 2 start? 3 He said, whatever you have got, just show 4 me. 5 So the day before Monday when I had been 6 there with other people I had been working on a short 7 presentation for a private group of people in Ohio that 8 I was using as my soundingboard because my presentations 9 tend to be too technical. And so I was coming up with 10 the simple presentation that people could understand. 11 And so I just said, well, this is what I 12 got. This is what I was working on. So I just started 13 showing it to him. After five minutes he said, stop 14 everything. Delete the tapes. We are starting over. 15 We are going to do a whole documentary just on 16 Dr. Frank. 17 So that is what he means when he says, what 18 you showed me before. He is talking about literally 19 minutes before that I had just shown him. 20 Q Okay. So you had shown him before, but five 21 minutes before? 22 A Five minutes before. 23 Q Okay. Okay. That was a portion of the 24 tape, right, that did not get published, that first five 25 minutes?	1 Carolina, Colorado. 2 Q And does that include states won by Former 3 President Trump? 4 A Florida. 5 Q Did you find it curious at all that you were 6 reaching the same conclusions in every state you 7 analyzed regardless of who won? 8 A Very. 9 Q And when you say "very," were you concerned 10 by that at all? 11 A Yes. 12 Q What was the reason for your concern? 13 A Because I am a scientist and I am looking 14 for controls, and I am trying to find an election that 15 I cannot predict. 16 Q And have you ever found a state election 17 that you were not able to predict? 18 A State election? 19 Q Not state election. A state in the 2020 20 presidential election that you were not able to predict. 21 A We need to be more specific. What am I 22 predicting? 23 Q Where you ran your analysis, your voter 24 analysis? And we will get into the substance of that -- 25 A Yes. Yes.
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1 A It got all erased, yes. 2 Q I want to followup on one thing you said. 3 You said that you had been working with this 4 private group of people in Ohio trying to make it -- 5 A Dumb. 6 Q Who was in that group of people? 7 A A bunch of super moms that I met during 8 COVID. 9 Q Do you recall their names? 10 A No. 11 Q Okay. So let's go to the bottom of page 3 12 of the transcript. And here you state, I found with the 13 algorithms that control how many registrations and how 14 many ballots you need in every county to control an 15 election. That is what I figured out and it is 16 widespread. It is in every state that I have checked so 17 far and it is magnificent party per million detail. So 18 I know it is not an accident. It has to be done by an 19 algorithm. 20 Do you see that? 21 A Yes. 22 Q At that point in time of the taping in early 23 March of 2021, how many different states' data had you 24 analyzed? 25 A Pennsylvania, Ohio, Florida, North	1 Q -- but the 6th degree polynomial -- 2 A That is one. 3 Q -- analysis that you have done and you have 4 been unable to predict what the votes would be? 5 A There are, because I do that at a county 6 level, I do not predict the state. I predict the 7 counties within a state. And in some cases I can 8 predict it down to the precinct level. So I have 9 done -- at that point I had not yet found a place. I 10 could not predict. 11 Q And have you found a place since? 12 A Since, yes. 13 Q And what place is that? 14 A For example, there is several counties in 15 Montana that I cannot predict, for example. There are 16 other types of data that I can tease out. 17 For example, I cannot predict who votes in 18 person or the rates of turnouts on people that vote in 19 person. But I can predict the total when you add the in 20 person with the mail in ballot, I can predict that 21 perfectly. I cannot predict who votes in person. 22 Q Okay. So at that time there had not been a 23 state that you analyzed that you had not been able to 24 predict? 25 A Correct.

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<p>1 Q And that was concerning to you because you 2 are trying to find a control that is something that is 3 not predictable, right?</p> <p>4 A Yes. At that time I did not, I did not 5 appreciate yet, I mean, I am just going to confess, I 6 was thinking Republicans good, Democrats bad. How come 7 I can predict all the Republican states? I should not 8 be able to do that.</p> <p>9 Q And were you comfortable though providing 10 this analysis and this publication even though you were 11 not sure that it can make sense because you can predict 12 every state that you looked at, correct?</p> <p>13 A I am comfortable in the analysis. The 14 analysis is, is anyone can reproduce it and there it 15 is. And it is -- I use the phrase, that ain't natural, 16 buddy. That cannot happen naturally.</p> <p>17 Q What made you comfortable saying that this 18 was evidence of fraud insofar as you did not have a 19 control that you could not predict at the time?</p> <p>20 A If I give you a die, a 20-sided die and I 21 have you roll it 83 times and you get a series of 22 numbers, and then you hand that die to this attorney 23 and he rolls it 83 times and he gets the same 83 24 numbers in the same order, you are going to be very 25 comfortable saying, that ain't natural, buddy. There</p>	<p>1 is the same in every county in that state. 2 That is highly suspicious and what it 3 suggests is that there is a central algorithm in each 4 state.</p> <p>5 Q And at that time you were not concerned that 6 there was no way to show what this algorithm, where it 7 came from or how it got in or how it would impact the 8 elections?</p> <p>9 It is a purely theoretical analysis at that 10 point in time in your mind; is that fair?</p> <p>11 A No. No, because using the same mathematics 12 I was able to predict the outcome of the canvassing 13 that they did on the ground. And the simple 14 methodology of just walking into any state and 15 analyzing one county and then being able to predict all 16 the rest, very suspicious.</p> <p>17 Q So your analysis was not relying on anything 18 other than your own math?</p> <p>19 A Just the math.</p> <p>20 Q So I want to move a little further down on 21 page 4 of the transcript. And Mr. Lindell says, it 22 starts at line 6, he says -- well, first, I guess at 23 line 4, he says, Right, it cannot be done by humans? 24 You say, it could not be done.</p> <p>25 Mr. Lindell states, I want everybody to know</p>
<p>1 is something wrong. This is something wrong here. You 2 don't have to have a control in that case. You already 3 know there is something wrong.</p> <p>4 Now, what is wrong, we have to figure out, 5 and that's a more in-depth discussion. But at least at 6 that point you can confidently say something is wrong 7 with that die.</p> <p>8 Q And you can confidently say there has to be 9 an algorithm controlling the election?</p> <p>10 A Yes, because it is the same, the 83 times 11 rolling the die is the same statistics as that.</p> <p>12 Q And it is not, it could not be that the 13 analysis is showing results that would just be normal 14 and expected and not fraudulent?</p> <p>15 A It could not be by any statistical valid 16 conclusion. You walk into one county and you roll the 17 die 83 times and now every other county you walk into 18 it is the same 83 numbers. That alone is highly 19 suspicious.</p> <p>20 And then you walk to a different state and 21 the first county you come into you roll the die 83 times 22 and it is a new set of numbers, but it is the same in 23 every county in that state.</p> <p>24 Then you go to another state and you roll 25 the die 83 times and it is a new set of 83 numbers that</p>	<p>1 that, but what you are going to see is impossible to be 2 done by humans; it had to be done by machines, i.e. 3 computers, and they had to be online?</p> <p>4 You say, Absolutely, the whole time you have 5 to beforehand, during and after.</p> <p>6 Do you see that?</p> <p>7 A Yes.</p> <p>8 Q And does this look like an accurate 9 transcription of what you would have said? I am sorry. 10 You have to answer verbally.</p> <p>11 A I am sorry. Yes. I gave you the okay 12 sign. My bad.</p> <p>13 Q Is it your position then in order for your 14 theory to work in practice all of the machines have to 15 be online?</p> <p>16 A I disagree with that question. What do you 17 mean by theory?</p> <p>18 Q Your analysis, your 6th degree key, your 19 opinions that the election must have been rigged and 20 manipulated and you found the key to show how it was 21 done, that is reliance --</p> <p>22 A Did I say rigged and manipulated? You said 23 that. I didn't say that.</p> <p>24 Q So you are not of the opinion that the 25 election was manipulated?</p>

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<p style="text-align: right;">Page 113</p> <p>1 A I said it could not have come out      2 naturally, what we are seeing. That is what I said.      3 Q Okay. So you are not of the opinion that      4 the election was manipulated?      5 A Oh, it was manipulated. That is my      6 opinion, but that is not what that analysis. I am      7 being careful. I am a scientist.      8 Q Okay.      9 A This shows something unnatural is going on.      10 Q Do you have a theory or do you have an      11 opinion about how the unnatural mathematical occurrences      12 that you have discovered would have been implemented      13 into the actual November 2020 election?      14 A Certainly, which we proved extensively in      15 Pennsylvania with electronic logs and with paper      16 canvassing. And basically what is happening is in real      17 time nefarious actors know the status of the election      18 and they stuff ballots to obtain the outcome they want.      19 Q And for that to occur the machines have to      20 be online?      21 A For it to occur in such a predictable way      22 you have to have what is called a feedback loop. You      23 have to know where you stand in order to get it to come      24 out that way.      25 Q So yes?</p>	<p style="text-align: right;">Page 115</p> <p>1 machines. Any one could be online and that would      2 provide sufficient information.      3 Q Any one machine in each precinct or any one      4 machine in each state? What do you mean by any one      5 machine?      6 A So, for example, right now states centrally      7 monitor and control their elections, voter rolls. So      8 at a poll book, when you walk into the precinct to      9 vote, not all people do this, some use mail, if you      10 walk into a precinct to vote and you check in, that      11 poll book is online and it is recorded and within      12 minutes the entire state knows every person who has      13 voted. That is a state network system.      14 Okay. So that's information already you      15 have. You don't necessarily know how that person voted      16 yet, but say that -- you say that you know that that      17 person is a Republican, then it is likely they are going      18 to vote for Trump and not Hillary or Biden.      19 So you can make a reasonable guess what the      20 tally was even at that point. You would not have to      21 have the rest of the machines online.      22 However, we have since shown that many of      23 the machines have modems in them that are -- even the      24 scanners. Like the Antrim Michigan case that you      25 brought up, the ES&amp;S, DS200 has a telemodem in it. It</p>
<p style="text-align: right;">Page 114</p> <p>1 A Yes.      2 Q Okay. And this has to be, they have to be      3 online getting that feedback loop before the election,      4 correct?      5 A Before, during and after.      6 Q Before, during and after, right.      7 And for this to occur in the way that you      8 have seen and the data that you have analyzed for maybe      9 everywhere except a few counties in Montana, every      10 machine in every county in every state would have to be      11 online; is that right?      12 A No.      13 Q Okay. How so is that wrong?      14 A I am a scientist. Every is too big of a      15 word.      16 Q The majority?      17 A We have to define what we mean by machines      18 too because when I give my presentations, I talk about      19 12 different machines. There is EMS. There is      20 scanners. There is tabulators. There is poll books.      21 There is check-in devices. There is ballot marking      22 devices. There are a dozen different systems that are      23 integrated in the election, and any one of them could      24 be online and it would not have to be just the      25 tabulator. It would not have to be every one of those</p>	<p style="text-align: right;">Page 116</p> <p>1 calls the cell tower. So it can report in real time      2 what the tallies are.      3 So my point is, there are multiple leaks,      4 multiple locations where leaks could happen. It does      5 not just have to be -- I am a computer guy. I build all      6 kinds of computers. To me they are machines. People do      7 not always think of a computer as a machine. I do. So      8 it depends on what you mean by a machine. So I think      9 that I tried to elaborate that to understand your      10 question a little bit.      11 Q Sure. So what I am trying to understand is      12 in your scenario that you gave me, the example, the poll      13 book is online?      14 A Yes.      15 Q And so therefore the nefarious actor can      16 know if a registered Republican came in, how they are      17 likely to vote?      18 A Yes.      19 Q Now, would the voting machine or the      20 tabulator or tally machine have to be online to know      21 what, to get that feedback and say, hey, I have to      22 change this, I have to put this extra vote in because      23 the Republican voter showed up to vote?      24 A My experience has been that we have very      25 limited evidence in that category. So I don't like to</p>

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<p>1 make conclusions in that category because I base my      2 opinions on evidence.</p> <p>3 I think in the Antrim, Michigan case when      4 they did the recount, they showed that the machines      5 miscounted those ballots. That is a fact. That is      6 evidence.</p> <p>7 But do I have evidence that the Antrim      8 machine was reporting tallying real time? No, I don't      9 have that.</p> <p>10 However, Mr. Lindell's PCAPs alluded to      11 that. That is why I was so excited during scientific      12 Proof because at that point I am like, why can I predict      13 this everywhere?</p> <p>14 And then Mr. Lindell says, guess what? I      15 have recordings connecting all the elections in the      16 whole country.</p> <p>17 Oh, that is how this could be. Everything      18 is integrated. Okay. At that point I am still new.      19 Most of my work has been not in the machine, quote,      20 unquote side, but in the rolls side. Machines seems to      21 be Mr. Lindell's primary.</p> <p>22 So, for me, I was trying to explain, how      23 could this happen? So I was designing experiments to      24 test that. And the fact that the machines are online is      25 pretty helpful to my hypothesis at the time.</p>	<p>1 record first and we will chat.</p> <p>2 MR. FREY: Sure.</p> <p>3 A I made commitments to people.</p> <p>4 THE VIDEOGRAPHER: The time is 12:10 and we      5 are off the record.</p> <p>6 (Recess was taken.)</p> <p>7 THE VIDEOGRAPHER: The time is 12:27 p.m.</p> <p>8 We are on the record.</p> <p>9 Q Okay. Mr. Frank, we went off the record      10 after I asked you about evidence that you have that      11 machines were online during the election.</p> <p>12 I know you wanted to consult with your      13 attorney briefly just to make sure that it was okay to      14 answer those questions, and I believe you are prepared      15 to answer those questions now, correct?</p> <p>16 A Yes.</p> <p>17 Q Okay. So I will repeat it for the record.</p> <p>18 So I had asked, other than PCAP data, do you      19 have any evidence that the poll books, the ballot      20 marking devices, the electronic voting machines or the      21 tabulators were actually online in any of the states      22 that you have analyzed?</p> <p>23 A A certain -- let us separate that a little      24 bit. Poll books everybody admits is online. That is      25 an easy one to answer.</p>
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<p>1 Q Okay. And so the PCAP data is very      2 important to your analysis to show how it can be      3 implemented?</p> <p>4 A No. No, I don't think it is very      5 important. It is just at the time it was, oh, I see      6 how this could be. If you follow my work today, that      7 is not -- I almost never discuss them.</p> <p>8 Q The PCAP data?</p> <p>9 A Right. So they must not be very important      10 to me.</p> <p>11 Q So other than the PCAP data, do you have any      12 evidence that the poll books, the ballot marking      13 devices, the electronic voting machines, the tabulators      14 were actually online in any of the states that you have      15 analyzed?</p> <p>16 A Yes.</p> <p>17 Q What is that evidence?</p> <p>18 A This is touchy. I will discuss two      19 publications. Is that okay? I don't know if I am      20 allowed to discuss some of the other because there is      21 whistleblower stuff.</p> <p>22 Q I can let you consult with your attorney and      23 then we can have a discussion about that, but I would      24 ask for all the information.</p> <p>25 MR. GREENE: Yes. We can maybe go off the</p>	<p>1 The question that people argue about is      2 whether the scanners, like the DS200, and we have      3 evidence that they have modems but the question is, are      4 they online? So everybody was asking that question.</p> <p>5 My focus was on the poll books but people      6 were saying the machines are online, Dr. Frank. Mike      7 Lindell says they are online. We can prove that. We      8 have ways of proving that. One way is we can log into a      9 machine during an election.</p> <p>10 So I introduced somebody to a local person      11 in Ohio. And during Lake County's election he logged      12 into their machines and he could show that people were      13 playing solitaire. The machines were connected. The      14 machines were connected via Bluetooth.</p> <p>15 Q Let me stop you there for a second.</p> <p>16 So this Lake County election in Ohio, when      17 was that election?</p> <p>18 A I think it was May. I want to say May or      19 June of 2021. I am not sure.</p> <p>20 Q It was not the November 2020 election?</p> <p>21 A No. No, it was showing machines could go      22 online and were online during an election.</p> <p>23 Q He said that he logged into their machines      24 and he could see that people were playing solitaire and      25 the machines were connected?</p>

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<p style="text-align: right;">Page 121</p> <p>1 A Yes.</p> <p>2 Q So he was he looking into just the poll 3 workers' computers?</p> <p>4 A The machines were connected via Bluetooth. 5 The scanning machines were connected via Bluetooth to 6 the EMS. So he was able to get to all of it.</p> <p>7 Q So he was able to get into the EMS showing 8 the workers playing solitaire, correct?</p> <p>9 A Yes.</p> <p>10 Q And then he was able to get from there into 11 the scanners?</p> <p>12 A Yes.</p> <p>13 Q Okay.</p> <p>14 A And they were connected via Bluetooth. So 15 that would be evidence not of the 2020 election, but 16 that would be evidence that the machines could go 17 online.</p> <p>18 So you were asking me, do you have evidence 19 that the machines could go online during election? Yes, 20 we do.</p> <p>21 Now, if you watch the movie Absolute 22 Interference, Mike has recordings given to him by a 23 person interviewed on Absolute Interference who I have 24 personally spoken to and personally seen the recordings. 25 It is described in Absolute Interference.</p>	<p style="text-align: right;">Page 123</p> <p>1 and the party. Well, after we were goofing off for two 2 and a half hours, I separated from Mike and sat with 3 this kid for 30 minutes and we peaked out at a table 4 together with all of his equipment. It was a lot of 5 fun, you know.</p> <p>6 Q This was in the Georgia runoff election that 7 he did this?</p> <p>8 A Yes. He witnessed it in the 2020 general 9 and then he recorded it in the 2020.</p> <p>10 Q And then did he show anyone, other than you, 11 this recording?</p> <p>12 A Of course.</p> <p>13 Q Who else did he show it to?</p> <p>14 A Mike, several other technical people and 15 that is why Mike made a movie about it, Absolute 16 Interference. It is like the last 20 minutes of 17 Absolute Interference.</p> <p>18 Q And does he still have these recordings?</p> <p>19 A I don't know. I have not spoken to him 20 since.</p> <p>21 Q Do you know whether he has gone forward in 22 Georgia with these recordings?</p> <p>23 A I have no idea.</p> <p>24 Q Do you know whether a state attorney general 25 or a state prosecutor or a state legislature has ever</p>
<p style="text-align: right;">Page 122</p> <p>1 He is a person installing, a person 2 installing 5G in Georgia during the election. He, when 3 he installs 5G, he looks and says, is it working 4 properly? And he noticed all these communications 5 coming from the polling places.</p> <p>6 So he said, that is not supposed to be 7 happening. So he went to Micro Center and he bought, I 8 think it is five Raspberry Pis. They are like miniature 9 computers the size of your phone. He set up recording 10 devices and he recorded the runoffs. So that is part of 11 the 2020 election. He recorded in five precincts 12 actual, the elections actually taking, during the actual 13 election the machines, the voting machines, the things 14 people are putting ballots through actually reporting 15 tallies in real time.</p> <p>16 I have seen that with my own eyes. So I 17 know that is another piece of evidence that the machines 18 are online during the elections. So that would be 19 another example.</p> <p>20 Q So let me talk to you a little bit about 21 that one.</p> <p>22 Who is this person who was recorded on 23 Absolute Interference?</p> <p>24 A I don't recall his name, but I sat 25 across -- remember we were talking about Sunday night</p>	<p style="text-align: right;">Page 124</p> <p>1 done anything with these?</p> <p>2 A I am unaware.</p> <p>3 Q Back to the Ohio one. Who was it that was 4 able to log into the machine?</p> <p>5 A Mr. Hayes.</p> <p>6 Q Conan?</p> <p>7 A Yes. C-o-n-a-n.</p> <p>8 Q Anything else?</p> <p>9 A I think that I answered your question.</p> <p>10 Your question was, do I have evidence that the machines 11 can go online during the election? I just gave you 12 three examples.</p> <p>13 Q I was asking if there are any more examples 14 that you have.</p> <p>15 A Another example is from Mr. Lindell' PCAPs 16 you can acquire the user names and passwords that were 17 being used during the 2020 election, and I have 18 presented those to multiple counties around the 19 country. They come in and they say, how can we prove 20 our machines were online, Dr. Frank? Well, here is the 21 log-in for your machine.</p> <p>22 Where did you get that? It comes from the 23 PCAPs I am told. So that is evidence that their 24 machines were able to be online.</p> <p>25 Q You have not seen that yourself?</p>

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<p style="text-align: right;">Page 125</p> <p>1 A Seen what?</p> <p>2 Q The evidence in the PCAPs.</p> <p>3 A I am not allowed to look at that, no.</p> <p>4 Q Why weren't you allowed to look at the PCAPs?</p> <p>5 A My understanding is there are natural security issues that require certain levels of clearance which I do not have.</p> <p>6 Q Who made the determination that there are national security issues with you looking at the PCAPs?</p> <p>7 A I don't know who made that determination.</p> <p>8 Q Who told you that determination, that there were national security issues, that you were not allowed to look at the PCAPs?</p> <p>9 A A couple of people. I was at the -- it is not directly told to me. It is surrounding the cyber Symposium. It is why can't we just give them the PCAPs? Well, because they contain national security information.</p> <p>10 So what we have done is we put together a team of people who have extracted some of it and cleaned out the sensitive stuff and we are giving them that remainder. So that is my implication. Nobody said to me, you do not have a clearance. You cannot see it.</p> <p>11 They said to me, I have been in the discussion, this is</p>	<p style="text-align: right;">Page 127</p> <p>1 Q And do you have any reason to believe that the determination of who has the proper clearance to see the actual PCAP data was made by an actual government official?</p> <p>2 A My understanding is that people have clearances and federal contracts which allow them to have access.</p> <p>3 Q So is it your understanding everyone on the red team has those clearances?</p> <p>4 A No, not everyone.</p> <p>5 Q Who on the red team do you understand to have those clearances?</p> <p>6 A Colonel Waldron and Conan at least. There are probably more. This is like a need to know thing, so we are careful to not talk about stuff.</p> <p>7 Q So do you understand it is a need to know thing as determined by Colonel Waldron I suppose?</p> <p>8 A It is just the way that we work. We are protecting each other.</p> <p>9 Q And, to your knowledge, who has actually seen the full actual PCAP data not with information removed from it?</p> <p>10 A I would have to speculate.</p> <p>11 Q Please do.</p> <p>12 A Well, I know several people that have</p>
<p style="text-align: right;">Page 126</p> <p>1 why we are doing what we were doing.</p> <p>2 Q Who is leading that discussion? Who is telling you this is why we are doing what we are doing?</p> <p>3 A That would have been at the red team meeting at the cyber Symposium. That would have been with Phil Waldron and several of the participants.</p> <p>4 Q So is it your understanding then that Colonel Waldron and other people on the red team are the ones making the determination that there is a national security issue with them releasing this information to you?</p> <p>5 A Yes. He even spoke in public on Thursday morning in front of the whole crowd. He said, so this is public, he said, we are going to be submitting this as part of the cyber Security Act of 2015 which Obama established by Executive Order which allows anybody to put any type of data into evidence no matter how they got it and what the sources were. That is important because you are in possession of classified information and you do not want to be prosecuted. So it allows you to put data into evidence without being prosecuted.</p> <p>6 Q And is it your understanding then that Colonel Waldron is the one who made the determination about who could and could not see it?</p> <p>7 A I was not privy to those discussions.</p>	<p style="text-align: right;">Page 128</p> <p>1 worked on this data and prepared data for the cyber Symposium, and I can say at least three people.</p> <p>2 Q Who are they?</p> <p>3 A That would be Conan, Josh and Phil Waldron and Todd.</p> <p>4 Q Todd Sanders?</p> <p>5 A Yes, but I could be wrong. Mike has made many public statements saying that they had teams of experts looking at the data.</p> <p>6 Q And do you know or are you aware of the statements that Mr. Josh Merritt has made about the PCAP data?</p> <p>7 A Probably not. I mean, he made public statements that were published in a newspaper while we were at the Cyber Symposium. I am aware of the Pete Santilli interview that came afterward. I am the one that gave it to Mike, the interview. So I am aware of those things, but that is the extent. That is the last that I ever wanted to meet with the gentleman, Mr. Merritt.</p> <p>8 Q Why is that?</p> <p>9 A Because we saw him as a trader.</p> <p>10 Q And that is because he went public saying that what the PCAP data purports to be is not?</p> <p>11 A No. No.</p>

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<p style="text-align: right;">Page 129</p> <p>1 Q So why did you see him as a trader?</p> <p>2 A He is a mole. He was there to try to</p> <p>3 undermine what Mike was doing. He had spoken in</p> <p>4 advance to newspapers and they had pre-written articles</p> <p>5 which, when they published them on Wednesday, they were</p> <p>6 wrong because they had been pre-written and we had</p> <p>7 changed the format of the cyber Symposium, and they</p> <p>8 matched the original format of the cyber Symposium so</p> <p>9 we knew that he had been working in collusion earlier</p> <p>10 with newspapers. He confirmed much of that in his</p> <p>11 interview with Pete Santilli.</p> <p>12 Q And the way that you know that he was a mole</p> <p>13 giving prerecorded or pre-written interviews is because</p> <p>14 of the content of the articles?</p> <p>15 A Yes.</p> <p>16 Q Any other reason?</p> <p>17 A I talked to the reporter. I stood there</p> <p>18 and talked to the reporter and I said, this is a really</p> <p>19 poorly written article. It is not even correct. The</p> <p>20 first paragraph had multiple errors in it. I was like,</p> <p>21 who told you this? Who told you this? Who told you</p> <p>22 this?</p> <p>23 Then he did not have to hide anything</p> <p>24 because then the next paragraph, it says, in interviews</p> <p>25 with Josh Merritt. In other words, it is public.</p>	<p style="text-align: right;">Page 131</p> <p>1 Q Okay. And so then knowing that, that</p> <p>2 alleviates some of my questions which are, who asked you</p> <p>3 to appear? What did you talk about?</p> <p>4 Those are all the same, it is all the same</p> <p>5 lead-up to the filming where you spoke with Mr. Olsen</p> <p>6 and then you had the zoom meeting with the attorneys,</p> <p>7 you had the dinner at which point you spoke with</p> <p>8 Mr. Lindell but not about the content, and then you went</p> <p>9 to film; that is the lead-up to both of those</p> <p>10 recordings?</p> <p>11 A Correct.</p> <p>12 Q Okay. All right. So let's look briefly at</p> <p>13 the transcript of that recording.</p> <p>14 A Interference?</p> <p>15 Q Interference, yes. This was previously</p> <p>16 marked as Exhibit 31.</p> <p>17 MR. GREENE: Thank you.</p> <p>18 Q If you can go to page 39. At the top of 39</p> <p>19 and you can -- first of all, let me just say this was</p> <p>20 previously marked as Exhibit 31. It is the transcript</p> <p>21 of Absolute Interference that was attached to</p> <p>22 Smartmatic's complaint in this matter.</p> <p>23 Do you recognize this document? Have you</p> <p>24 seen this document before?</p> <p>25 A It looks familiar.</p>
<p style="text-align: right;">Page 130</p> <p>1 Q Who was the reporter?</p> <p>2 A I don't recall. You can look it up. It is</p> <p>3 a newspaper article.</p> <p>4 Q When did you speak with him?</p> <p>5 A Wednesday morning of the cyber Symposium I</p> <p>6 was called off stage to speak with him.</p> <p>7 Q Was anyone else there?</p> <p>8 A Kurt and Phil Waldron. The four of us</p> <p>9 stood in a circle. They were mostly listening to me</p> <p>10 discussing it with, I think it was the Washington Post</p> <p>11 or Washington Times. I never remember. It is one of</p> <p>12 those.</p> <p>13 Q So, circling back, after you recorded</p> <p>14 Scientific Proof --</p> <p>15 A Yes.</p> <p>16 Q -- you also recorded Absolute Interference,</p> <p>17 correct?</p> <p>18 A No, it was in the same recording session.</p> <p>19 Q Okay. That is what I wanted to clear up</p> <p>20 today, because I have not been able to tell.</p> <p>21 So the same day in that ten to one time</p> <p>22 frame you recorded both of those segments?</p> <p>23 A Three and a half hours of film which was</p> <p>24 edited down to one hour of Scientific Proof and another</p> <p>25 30 minutes or so was put into Absolute Interference.</p>	<p style="text-align: right;">Page 132</p> <p>1 MR. GREENE: Again, same objection as the</p> <p>2 prior transcript. Go ahead.</p> <p>3 Q So on pages 38 and 39 of this transcript,</p> <p>4 you are discussing phantom voters that you discovered.</p> <p>5 And if you flip over then Mr. Lindell says, Right, so</p> <p>6 they are using people that do not exist but they are</p> <p>7 registering them to use for their algorithms in the</p> <p>8 machine?</p> <p>9 You respond, Exactly because, yeah, if you</p> <p>10 think about it, after the election, what if the election</p> <p>11 is challenged? Somebody is going to count ballots. You</p> <p>12 better have registrations and you better have ballots.</p> <p>13 Do you see that?</p> <p>14 A Yes.</p> <p>15 Q I am trying to understand your mechanism</p> <p>16 here for how the registrations and the ballots get in.</p> <p>17 And is it fair to say that what you are</p> <p>18 saying here is not only do the voting machines register</p> <p>19 these fake votes according to the algorithm, but that</p> <p>20 the actual physical ballots also need to be delivered in</p> <p>21 the event that there is a challenge to the election?</p> <p>22 A Yes.</p> <p>23 Q And so would the actual paper ballots then</p> <p>24 need to be delivered to the election precincts?</p> <p>25 A The problem is you are generalizing and it</p>

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<p style="text-align: right;">Page 133</p> <p>1 is not the same everywhere. In Antrim, Michigan the 2 machines flipped ballots.</p> <p>3 Q So in Antrim, Michigan you are saying the 4 actual ballot was just printed by the machine and did 5 not need to be delivered?</p> <p>6 A The recount did not work. The machine 7 screwed up the election. That is provable. It was 8 proven in court. The recount showed the machine count 9 did not match the hand count.</p> <p>10 Q Right. Before the hand count, they had 11 actual physical ballots?</p> <p>12 A It did not match the machines.</p> <p>13 Q So the actual physical ballots not in -- in 14 Michigan, the actual physical ballots you are saying 15 were the actual ballots that were voted on on that day 16 and the machine count was off?</p> <p>17 A And they proved that with the recount.</p> <p>18 Q I am not going to get -- I know there is a 19 whole history of the Antrim County litigation and they 20 did discover errors and they found it was a mistake. 21 You will probably dispute that.</p> <p>22 Setting that aside, let us say there is an 23 election where the ballots are printed by a ballot 24 marking device and then they are tallied by the vote 25 tabulator. So you have the tally of the machine and you</p>	<p style="text-align: right;">Page 135</p> <p>1 on it, can I predict the 83 numbers you are going to 2 get? No. So we have to distinguish what you mean by 3 prediction.</p> <p>4 However, if you go into one county and roll 5 it 83 times, now you have a set of numbers. Using that 6 set of numbers, you can predict it in all the other 7 counties.</p> <p>8 Do you understand that that is not a 9 prediction in the same way that most people think of a 10 prediction. That is just me saying, look, it is the 11 same in all the counties. How I do know? I can predict 12 it now in all the other counties. The point is it is 13 the same in all the counties.</p> <p>14 Q The way that your analysis comes out it has 15 the same numbers for all the counties in a state, right?</p> <p>16 A Yes.</p> <p>17 Q Okay. What I am trying to understand is, in 18 your opinion, how is that actually implemented in the 19 election?</p> <p>20 A Yes, and there is more than one way. It 21 could happen in a machine that the algorithm could 22 reside in the scanner. The algorithm could reside in 23 the tabulator. The algorithm could reside in the EMS.</p> <p>24 The algorithm could -- there might not even 25 be an algorithm onboard anywhere. It might just be</p>
<p style="text-align: right;">Page 134</p> <p>1 have actual physical ballots, right?</p> <p>2 A Yes, but you are generalizing again.</p> <p>3 Because, for example, in the Dr. Sheila case they 4 showed that every fourth image that the machine scanned 5 was a copy of a former image. So the machine was doing 6 something separate.</p> <p>7 Q So the machines are doing something, in your 8 theory the machines are doing something per this 9 algorithm, correct?</p> <p>10 A No, it has nothing to do with my algorithm. 11 It has to do with the machine making copies, and that 12 was proven in court that that happened. The Antrim, 13 Michigan thing had nothing to do with my algorithm. It 14 had to do with the machines were incorrectly tallying 15 the ballots.</p> <p>16 Q So in Antrim, Michigan and in the Dr. Sheila 17 case the machines are incorrectly counting ballots and 18 it has nothing to do with your algorithm for 6th degree 19 polynomial?</p> <p>20 A I didn't prove whether it did or not.</p> <p>21 Q So how does your -- maybe just explain to me 22 how your 6th degree polynomial theory predicts the way 23 that the elections are going to come out and actually 24 makes that happen in practice?</p> <p>25 A So if I give you the die that has 20 sides</p>	<p style="text-align: right;">Page 136</p> <p>1 someone act in and made it happen according to an 2 algorithm somewhere external.</p> <p>3 The key element is not where does the 4 algorithm reside. The key element is the fact that you 5 have connectivity. So you have access to make sure that 6 things come out right. There is no other way by natural 7 phenomenon it can work this way. That is the point of 8 the statistics. The statistics particulars make it 9 impossible.</p> <p>10 Q So the statistics show one thing and you are 11 saying the way that it actually happens could be --</p> <p>12 A A variety.</p> <p>13 Q -- a variety of different ways?</p> <p>14 A Yes.</p> <p>15 Q And you have no opinion on the way that 16 those are?</p> <p>17 A Yes, I have several -- we have proven 18 several of those.</p> <p>19 For example, when the election turned off on 20 election night, suddenly around 150,000 new ballots got 21 added to the Michigan election. And then, when we asked 22 the Secretary of State for the list of the names that 23 went with that, she did not provide them. Okay.</p> <p>24 Well, we would have gone and knocked on the 25 doors and proven that those were not real voters. So</p>

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<p style="text-align: right;">Page 137</p> <p>1 that is something that took place in the machines on      2 election night.      3 In Pennsylvania we proved in Montgomery      4 County alone 75,000 of the ballots that they tallied had      5 been stuffed. It was not the machines changing. It was      6 the machines informing how many ballots we needed. Oh,      7 we are behind. Better stuff more ballots.      8 Q So that then every state to you or every      9 county or every precinct might accomplish this      10 differently and you have found several examples but they      11 could all do their own things? They could all implement      12 this in their own way?      13 A Yes. Simple, simple ways. You know, when      14 the movie 2,000meals shows people stuffing ballots.      15 Well, where did they get those ballots? Who decided      16 which ballots to stuff for which names? Somebody on      17 the outside is deciding what is happening and they need      18 recognition in order to know what to do.      19 It would be a mistake if Doug Frank had      20 already voted in the election for them to try to stuff      21 another ballot for Doug Frank because that ballot would      22 be rejected.      23 However, if they have access to the voter      24 rolls, they will know, hey, Doug Frank has not yet      25 voted. We will stuff a ballot for him.</p>	<p style="text-align: right;">Page 139</p> <p>1 So it is perfectly reasonable that you would do that.      2 Q Okay. And would you -- so in Antrim County      3 there was a hand count that got the actual result,      4 right?      5 A Yes.      6 Q So would you expect if there were      7 manipulated ballots, fake ballots, whatever term you      8 want to use, in other states, that an audit of those      9 actual physical ballots to the machine tallies would      10 demonstrate that there was evidence of fraud?      11 A I don't make that claim. The claim that I      12 make with my audiences is I say, since we know this      13 happened here, here and here, and since you no longer      14 trust the machines, why don't we do a recount of the      15 ballots and find out?      16 However, most states will not let you do      17 that without court order and whatnot. So then the      18 people feel like, well, we are being blocked from being      19 able to verify our own election. So it is about trust.      20 It is not as much about whether there was fraud in your      21 election in particular. We want to trust our systems,      22 and they had not let us look so we don't trust them      23 anymore.      24 So that is typically my message. My message      25 is not you need to get a recount. That is not my</p>
<p style="text-align: right;">Page 138</p> <p>1 Q So is it your opinion then that there is      2 someone in each state who is deciding how they are going      3 to implement this process to use the key to make sure      4 the election comes out as they would like?      5 A No. No. I could do the whole country      6 myself from my basement in Ohio. One person could do      7 it. That is the nice thing about computer programs,      8 they are very powerful. You have to plant them in the      9 right places.      10 Q And you would say, okay, in Michigan, in      11 Antrim County do it X way and in Pennsylvania do it Y      12 way, in Florida do it Z way and they are all going to be      13 different ways, but I am going to decide for each place      14 in each county how I want do it; is that fair?      15 A That is fair. And it makes sense too      16 because different places have different machines and      17 different infrastructure and different voter roll      18 controls, and it makes sense you would design a custom      19 strategy for each region depending on the vendor, the      20 election vendor.      21 For example, in California there are four      22 different vendors. Dominion, ESNS, Hart and Smartmatic.      23 Okay. Well, what if Smartmatic machines are different      24 than Dominion machines? Well, then you might need to      25 have a different strategy for those different counties.</p>	<p style="text-align: right;">Page 140</p> <p>1 message. Listen to my talks. I have hundreds of them.      2 I discourage people from getting recounts.      3 Q But what I am asking is, if there was an      4 audit comparing the physical ballots to the machine      5 count, there is a percentage audit of the ballots, would      6 you expect there to be discrepancies shown if the      7 machines in whatever manner are manipulating the ballots      8 according to the key to get the desired result?      9 A That is too general of a statement for me.      10 In some cases I would expect there to be a discrepancy.      11 In most cases I would not, which is why I discourage      12 people from doing recounts.      13 Q And why not?      14 A Because I don't think that machine      15 manipulation is the primary mechanism of fraud. I      16 think ballot stuffing is the primary mechanism of the      17 fraud enabled by machine information.      18 Q And by ballot stuffing you mean people      19 actually delivering fake ballots?      20 A Hard copy ballots.      21 Q Hard copy of fake ballots?      22 A Yes.      23 Q Okay.      24 A Which we have evidence for.      25 Q So, in your mind, that is more of the issue</p>

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<p style="text-align: right;">Page 141</p> <p>1 than the machines, is that hand stuffing of fake      2 ballots?</p> <p>3 A Well, that is sort of like you need the      4 intelligence. The way they used to stuff elections is      5 they used to park people in the parking lot and      6 counting people going in and reporting back and saying,      7 hey, the turnout is good in precinct A. We need more      8 voters. They would go out and roundup voters or      9 ballots.</p> <p>10 But now you don't have to do because the      11 machines are online and everything is being reported.      12 So now it is still ballot stuffing is the primary      13 mechanism, which is why, for example, in Pennsylvania      14 when they certified the election, they had seven 65,000      15 or so more ballots than they had voters. Okay. That is      16 it stuffing and which is why they catch a guy driving      17 200,000 ballots from New York to Pennsylvania, which is      18 why you have 2,000 mules people putting ballots in.      19 That it proveable and showable. You know, when you do a      20 recount, it comes out right. I always tell people, it      21 does not matter how many times you count the cash in the      22 register. What matters is how many of the bills are      23 counterfeit.</p> <p>24 Q Okay. And so you have given a few examples      25 of that, but your theory or your opinion is that is</p>	<p style="text-align: right;">Page 143</p> <p>1 A So that is an example, a super simple      2 example.</p> <p>3 Q And your opinion is that these are all      4 coordinated though across the country by someone sitting      5 in a room?</p> <p>6 A No, that is not my opinion. I said -- you      7 were asking, do you need someone in every state? I      8 said no, I could do it myself from my basement in Ohio.      9 It does not take a massive conspiracy.</p> <p>10 Q But if implemented it might though, right?</p> <p>11 You need the person driving the truck? You need the      12 people delivering these fake ballots?</p> <p>13 A You need mules.</p> <p>14 Q Okay. So when you, when Absolute      15 Interference was recorded, there is a number of speakers      16 in Absolute Interference, right, not just yourself?</p> <p>17 A Yes.</p> <p>18 Q Were you present with all of those people or      19 was it filmed in pieces and then kind of compiled      20 together?</p> <p>21 A When I went to Memphis, there were about 20      22 people there. Ten of them were security and the other      23 ten were people being filmed, and those went into both      24 movies. So some of them yes, and some of them no.      25 If you look, I think Absolute Interference,</p>
<p style="text-align: right;">Page 142</p> <p>1 happening all over the country, in every state and we      2 just only found certain handful of instances of people      3 delivering fake ballots, having a truck, whatever it is      4 that you are claiming?</p> <p>5 A You say a few, but everywhere I go we find      6 it.</p> <p>7 Q And you have mentioned -- so you have      8 mentioned a guy driving 200 miles from New York to      9 Pennsylvania. You mentioned in Pennsylvania when they      10 certified they had 765,000 or so more ballots.</p> <p>11 What other evidence have you found?</p> <p>12 A So, for example, here is a really simple      13 one. There are two ladies sitting at a computer in San      14 Joaquin County, California. When we sorted the rolls      15 for them from oldest to youngest, only the people who      16 voted, and they are just looking up every one of them,      17 out of the first 2,700 people they looked up, 47 dead      18 people voted.</p> <p>19 Q Where was that at?</p> <p>20 A San Joaquin County, California where the      21 Lodi case is, where the sheriffs are hot on the trail      22 of a lot of election fraud. Where they found him, the      23 city counsel member with 70 ballots on his table. He      24 was stuffing his own election.</p> <p>25 Q And --</p>	<p style="text-align: right;">Page 144</p> <p>1 I do not know, it has been so long since I watched it,      2 but didn't it have General McInerney in it?</p> <p>3 Q Uh-huh.</p> <p>4 A He was there by zoom. He was not in there      5 in person. I did not get to meet with him in person.      6 Everybody who was there in studio, we were basically in      7 lockdown for about two and a half days. Nobody could      8 go in or out. They had armed men everywhere because      9 there were sensitive people there.</p> <p>10 Q Because I was just trying, I am just trying      11 to fully understand it basically.</p> <p>12 When you said when you did the Scientific      13 Proof recording it was you, Brandon Howse and his son      14 and Mary Fanning and obviously Mr. Lindell.</p> <p>15 And then for this Absolute Interference      16 there were more people present. So were they in a      17 different room when you were taping Scientific Proof or      18 were these people all there as well?</p> <p>19 A So everybody was there -- I don't want to      20 say everybody in Absolute Interference because like      21 McInerney is an example. Everybody who was live being      22 filmed was there for those two days, Monday and Tuesday      23 of that week, for filming.</p> <p>24 And remember Mike's original intention was      25 to film Absolute Interference. So he brought in</p>

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<p style="text-align: right;">Page 145</p> <p>1 everybody he was going to film live. He just discovered      2 my work and said, let's do an extra one just with      3 Dr. Frank. So he filmed with everybody, but then he      4 also released Scientific Proof next and then later. So      5 everybody was there together.</p> <p>6 Q Okay.</p> <p>7 A Does make sense?</p> <p>8 Q That makes sense. Not necessarily taping at      9 the same time?</p> <p>10 A No. We had studio time.</p> <p>11 Q That is what I was trying to understand.</p> <p>12 So you had different studio time for each      13 speaker?</p> <p>14 A Yes. I was scheduled on Tuesday morning      15 from 9 to 11. So then I had to wait and, during that      16 time I am waiting, I get to talk to all of these      17 people.</p> <p>18 Q Right. That is when you are talking to them      19 outside the studio?</p> <p>20 A Yes.</p> <p>21 Q Okay. Okay. I believe so, Mike Flynn was      22 there for that?</p> <p>23 A Yes, he was.</p> <p>24 Q Did you know Mr. Flynn before you met him      25 there at Absolute Interference?</p>	<p style="text-align: right;">Page 147</p> <p>1 Dakota in August of 2021, right?      2 A Yes.      3 Q And you attended all three days?      4 A Yes.      5 Q Okay. Who asked you to attend the cyber      6 Symposium?      7 A I don't remember the invitation but,      8 obviously, Mike wanted me there. So he may have said,      9 he may have said to his assistant, call Dr. Frank and      10 invite him. I don't remember who invited me.      11 Q Do you remember when you were invited?      12 A Several months in advance.      13 Q Okay. So you filmed Scientific Proof and      14 Absolute Interference in the beginning of March, and      15 then maybe a couple of months after that they said, hey,      16 will you come back to the cyber Symposium?      17 A Yes. Yes.      18 Q And did they ask you to do anything specific      19 at the cyber Symposium?      20 A Yes.      21 Q What was that?      22 A I gave a talk on the first day about an      23 hour long. Also I was asked to be the glue between      24 highly technical talk and the general public, because I      25 understand both.</p>
<p style="text-align: right;">Page 146</p> <p>1 A No.</p> <p>2 Q Did you know what he was going to be      3 presenting on in the documentaries?</p> <p>4 A I didn't know what anybody was going to be      5 presenting. I take it back. Sunday night I met with      6 the young kid from Georgia and he showed me what he was      7 going to be talking about. And then I was with Patrick      8 Colbeck and he told me what he was going to be showing      9 and some other people. We talked. So you are sitting      10 around for two days in a building, right. You talk.</p> <p>11 Q Right. Right. And did you form any      12 opinions as to what Patrick Colbeck was going to talk      13 about when he told you about it? Did you have any      14 reaction?</p> <p>15 A I didn't have any opinion, no. I mean, he      16 is an honest guy. He is a rocket scientist so we      17 connect on certain levels.</p> <p>18 Q I think the other person that you said was      19 the guy from Georgia I know you talked about?</p> <p>20 A Yes.</p> <p>21 Q We can circle back to it later. Now I want      22 to talk about, we got into this a little earlier, but I      23 will tailor it, about the cyber Symposium?</p> <p>24 A Yes.</p> <p>25 Q So you attended the cyber Symposium in South</p>	<p style="text-align: right;">Page 148</p> <p>1 Q So you were kind of like the MC?</p> <p>2 A I was the MC.</p> <p>3 Q Okay. Did you do any work before the cyber      4 Symposium to prepare separately than the analyses you      5 are running on the various states, which I am assuming      6 continued between March and August?</p> <p>7 A Yes.</p> <p>8 Q You continued to do that?</p> <p>9 Did you select the states you were going to      10 look at on an ad hoc basis or how did you go about doing      11 that?</p> <p>12 A After Scientific Proof came out I was      13 deluged with requests for help around the country.      14 There was no way I could handle it all. Each day I      15 would look at the stack what do I do now? How do I      16 decide? It seemed like whatever was the hottest thing      17 at the time and when they needed it the most, that is      18 what I jumped on next.</p> <p>19 Q It was kind of by request?</p> <p>20 A All by request, yes.</p> <p>21 Q You didn't say, hey, I want to look at the      22 state of Texas?</p> <p>23 A No. All by request.</p> <p>24 Q Okay. Okay.</p> <p>25 Between the time of your filming of</p>

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<p style="text-align: right;">Page 149</p> <p>1 Scientific Proof and Absolute Interference and the cyber      2 Symposium, did you communicate with Mr. Lindell?      3 A Sure.      4 Q And how often would you communicate with      5 Mr. Lindell?      6 A Very often. Once or twice a week. He      7 would call me and ask questions about states or he      8 would call and say, hey, would you look at that or      9 would you look at that?      10 I would look at different states and he      11 asked me to do work for -- he asked me to analyze      12 Georgia and he asked me to analyze Arizona. I prepared      13 reports for those and put them up on my Rumble channel.      14 Also I gave them to, I did statistic analyses and gave      15 them to Kurt.      16 Q So he would call you and say, hey --      17 A You can look at this for me.      18 Q Can you look at this state? And you would      19 look at it and kind of deliver the results to Mr. Olsen?      20 A Yes.      21 Q Okay. Anything else other than specific      22 kind of requests for work projects that he would give      23 you, anything else that you two would have discussed      24 between the cyber Symposium looking back to the filming      25 of Absolute Interference?</p>	<p style="text-align: right;">Page 151</p> <p>1 the Cyber Symposium and then as the PCAP data was going      2 to be delivered, I had people from all over the country      3 there, I was going to be channeling data to them. That      4 is why I needed software, because I was not going to be      5 able to do it myself. It's too much.      6 Q So you are working hard to get this software      7 ready? You have a lot of people that are getting      8 excited to get this?      9 A Exactly.      10 Q Did you ever deliver it to them?      11 A I was unable to deliver it to them.      12 Q Why is that?      13 A Because they were not given to me. They      14 changed the strategy at the Cyber Symposium, what we      15 were going to do. It changed from, it changed away      16 from the PCAP strategy and it moved towards the Tina      17 Peters strategy, the forensic images of her Dominion      18 machines.      19 Q And do you know why the strategy changed?      20 A Yes. I was involved in all the debate and      21 discussion.      22 Q And why did the strategy change?      23 A We got a call from her on Monday saying      24 that it had been discovered that her, that she had      25 taken forensic images of the machines and she was being</p>
<p style="text-align: right;">Page 150</p> <p>1 A Yes, because we were preparing for the      2 cyber Symposium. And by the time the Cyber Symposium      3 had occurred, I was already working with dozens of      4 grassroots teams around the country. They were all      5 looking forward to getting their slice of the PCAPs for      6 their county.      7 So I was writing software that enabled me to      8 quickly process the PCAP data I was given. So I was      9 assuming, because that is what I was told, that I would      10 be given samples, cleaned versions of samples of PCAPs      11 that I could distribute.      12 So I was writing software because it was      13 going to be given to me in a format that most people      14 could not read. I was writing software to convert it,      15 to translate it into English so they would be able to      16 read it.      17 Q Okay. And did you ever get those samples of      18 the PCAP data that you could convert?      19 A I got samples ahead of the conference which      20 I based my software development on and Kurt provided      21 those to me.      22 Q Did you then take those samples and deliver      23 them to the people who had been asking for them?      24 A Those were my test samples. Those were not      25 to be delivered to people. I was expecting to go to</p>	<p style="text-align: right;">Page 152</p> <p>1 raided and all of that sort of thing. So she was      2 wanting to come out and make it public.      3 So we stuck pretty close to the original      4 Tuesday schedule, but then that night she became public.      5 So then Wednesday, if you watch the Cyber Symposium, I      6 was on the MC most of the morning showing people the      7 forensic images before and after Dominion had come in      8 and reprogrammed their machines. You could see that      9 they had deleted everything. They had cleaned all the      10 old records off. You could see the nature of the      11 previous image that they had been keeping for years and      12 years and years and years and now suddenly they delete      13 everything. Why aren't they just doing an update?      14 Instead they did a complete purge. So we showed that.      15 I explained that to people.      16 Q So you had good information that you wanted      17 to share about this, but why was the decision made not      18 to deliver the PCAP data that all of these people had      19 been asking you for, that you were working hard to      20 develop software to deliver? Why not do both?      21 A Well, that was still the plan. Even as of      22 Wednesday that was the plan. But everybody was all hot      23 to trot about the forensic images. So that was sort of      24 why that dominated Wednesday.      25 We were preparing to give, to distribute the</p>

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<p>1 PCAP data to the cyber experts who were there on      2 Thursday morning even though they were all obsessed with      3 the forensic images we were giving them. We were still      4 going to get them. The cyber people that were there      5 were mostly patriots wanting to help us. They were busy      6 doing that. But they still established another team for      7 which we were going to provide the PCAPs to. So it was      8 less urgent for us to do that. That is the first      9 reason.</p> <p>10 The second reason is that on Wednesday might      11 Mike Lindell was assaulted and, when that happened,      12 Mr. Waldron called his sources. And during that phone      13 call, I was in the room when that phone call happened,      14 he said that there were FBI warrants issued for our      15 arrest on Thursday morning for distributing classified      16 information.</p> <p>17 Now, the plan was, we took the PCAP data and      18 cleaned out the sensitive information and gave the      19 remainder to the cyber experts. That was the plan.</p> <p>20 However, since we knew Josh Merritt was not      21 being truthful with us, we were concerned that he had      22 put sensitive data back into it or had not done his      23 portion of the cleaning that he was supposed to do. And      24 so we were concerned that if we distributed the data on      25 Thursday morning, that we would all be guilty of</p>	<p>1 A No, of course not.      2 Q The FBI told Colonel Waldron?      3 A I don't know who he talked to. All I know      4 is that he said there are warrants out. We are all      5 going to be arrested tomorrow morning. We did not want      6 that. So we did not do the thing that would cause the      7 arrest.</p> <p>8 Q I just want to understand. Your source for      9 that information was Colonel Waldron?</p> <p>10 A Yes.</p> <p>11 Q Nothing else?</p> <p>12 A Correct. I was in the room with him when      13 it happened.</p> <p>14 Q You were in the room when Colonel Waldron      15 shared that information?</p> <p>16 A When he made the phone call too. It was      17 the red team room. It was what we called the war room.      18 We managed the whole Cyber Symposium, about ten us of,      19 in the war room we called it.</p> <p>20 Q But that was the war room where Colonel      21 Waldron told you the FBI said this?</p> <p>22 A Yes.</p> <p>23 Q You were not in the room when the FBI said      24 to Colonel Waldron --</p> <p>25 A He was standing in the corner on the phone.</p>
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<p>1 distributing classified information.</p> <p>2 Mr. Waldron referred to that as a poison      3 pill. So we had been set up for a poison pill and the      4 FBI, they informed me that there were three FBI agents      5 on the floor the previous day that were ready to go. We      6 decided if we, if we distributed that and the FBI      7 arrested everybody and took all the cyber guys'      8 computers, we would be really unpopular.</p> <p>9 So we decided, and that is why on Thursday      10 morning, it is a public statement, he gave the      11 reasoning, he said, Phil Waldron got up and said, Mike      12 was assaulted last night and blah, blah, blah. And we      13 are going to distribute -- we are going to submit them      14 in their original form to the cyber Security Act of      15 2015.</p> <p>16 So that is kind of the overall logic why we      17 didn't do what we originally intended to do. That was      18 public. We made that public.</p> <p>19 Q And you said that you were in the room when      20 it was Mr. Olsen called and said the FBI informed --</p> <p>21 A Mr. Waldron.</p> <p>22 Q Okay. I am sorry.</p> <p>23 A Yes.</p> <p>24 Q So you heard Mr. Waldron say that. You did      25 not talk to the FBI?</p>	<p>1 Q He was on the phone in the corner and you      2 heard his conversation?</p> <p>3 A Well, I was not eavesdropping.</p> <p>4 Q So you did not hear who was on the other end      5 of the line?</p> <p>6 A No.</p> <p>7 Q Okay. Okay.</p> <p>8 A We were dealing with the fact that Mike had      9 just been assaulted. That is what we were mostly      10 worried about.</p> <p>11 Q Sure. Okay. So you give a presentation on      12 the first day?</p> <p>13 A Yes.</p> <p>14 Q Of the Symposium?</p> <p>15 A Yes.</p> <p>16 (Exhibit 111 was marked.)</p> <p>17 Q (BY MR. FREY) I want to just to make the      18 record clear. I want to hand you what will be marked as      19 Exhibit 111 which is a document you produced that has a      20 Bates stamp of DFrank_0001 or five zeros and a 1.</p> <p>21 And do you recognize this document?</p> <p>22 A Yes.</p> <p>23 Q Okay. And is this the PowerPoint      24 presentation that accompanied your speech on the first      25 day?</p>

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1 A I don't remember, but it looks like it.	1 spoke in a panel with Colonel Waldron, Mark Cook and
2 Q Okay. I think the date is right?	2 Mr. Colbeck, correct?
3 A It looks right to me.	3 A It sounds familiar.
4 Q Okay. Okay. I just wanted to confirm that	4 Q Again --
5 that is how we found it. It is the first three pages	5 A Honestly, on all of that schedule stuff, I
6 and then it starts over again.	6 don't know. I am not testifying to it. Do you
7 A That is okay. I remember, yes. Maybe it	7 understand?
8 had something to do with the way I was presenting. Go	8 Q I understand.
9 ahead.	9 A I am saying what you say sounds reasonable.
10 Q This looks like the presentation that you	10 I would have to go check my schedule to confirm whether
11 gave?	11 it is right or wrong. If you are establishing fact, I
12 A It does.	12 would want to do that. Round numbers, I was very
13 Q Okay. So you gave that presentation. That	13 involved throughout and on multiple panels and in the
14 is where you kind of really laid out your 6th degree	14 war room every night and planning the next day and that
15 polynomial, right, the analysis that you had been doing?	15 sort of thing.
16 A Yes.	16 Q Okay. And then each of the panels were more
17 Q And then later that day you spoke on a panel	17 or less you knew the topic area but no pre-discussion of
18 with Mr. Lindell, David Clemente, Patrick Colbeck; is	18 what each person would say or how responses would be
19 that correct?	19 given?
20 A Sounds right.	20 A That's correct.
21 Q Had you talked to the other panelists before	21 Q Okay. I am sorry. We just covered some of
22 the panel about what you would be, what you each would	22 this earlier. So I am just making sure that we are
23 be saying in presenting that?	23 efficient.
24 A No. Everything is kind of winging it.	24 Why don't we take a quick like fill our
25 Q Okay. Is the same thing true of the panel	25 stomachs lunch break. We can be quick about it. Let us
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1 later that day where you spoke with Mr. Lindell and	1 just go off the record.
2 Senator Sunny Barrelli?	2 A Sure.
3 A Correct.	3 THE VIDEOGRAPHER: The time is 1:13. We are
4 Q Similarly, on day two of the panel or on day	4 off the record.
5 two of the Symposium, you spoke on a panel with	5 (Recess was taken.)
6 Mr. Lindell, David Clements, Draza Smith and Seth	6 THE VIDEOGRAPHER: The time is 1:48 p.m. We
7 Cashel.	7 are on the record.
8 Do you recall that?	8 Q Good afternoon, Dr. Frank. I just want to
9 A I do.	9 continue post lunch and talk a little bit more about
10 Q And same question, had you guys talked	10 your 6th degree polynomial theory, okay?
11 beforehand about what you would be discussing during the	11 So do I understand correctly that your
12 panel?	12 theory contains three sets of data? For each state, on
13 A No.	13 a state basis there are three kind of datasets that you
14 Q Just kind of winging it?	14 input into your analysis; is that right?
15 A Well, Mike might have a theme. He might	15 A If we are talking just about the 6th degree
16 say, we are going to discuss CBRs at this. That would	16 polynomial?
17 be the extent. So nothing substantial. It is not like	17 Q Yes.
18 we planned a strategy.	18 A All I do is get the voter rolls.
19 Q And so by its nature then Mr. Lindell would	19 Q Just the voter rolls? So you don't take
20 not have known beforehand what anyone was going to stay	20 population data?
21 during the panel, correct?	21 A That is not a 6th degree polynomial.
22 A Yes, he would just get up and start asking	22 Q Okay. I am talking about your theory or
23 questions and he brought his experts with him.	23 your graphs you have the blue line and black line and
24 Q Okay. Okay.	24 red line. What do you call that? I do not want to call
25 And same thing on day three, I believe you	25 it the wrong theory.

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1 A I don't know. I do not call it a theory.	1 A Yes.
2 I say, here is your data. Here is your population by	2 Q Where does that data come from?
3 age. Here who is registered by age. Here is who voted	3 A Secretary of State.
4 by age.	4 Q Is that every state you can get that?
5 Q Okay. So there is three data points in the	5 A No. Some states hide it. In fact, after
6 data that you present?	6 the Antrim, Michigan case, the Secretary of State took
7 A Yes.	7 it down immediately so people could not request it
8 Q The first is population data, right?	8 anymore because people were seeing, guess what, if you
9 A Yes.	9 have the rolls, you can do some fun stuff. A bunch of
10 Q And is that taken, that is taken from the	10 other states took it all down.
11 2010 census; is that correct?	11 In Wisconsin it cost you about \$30,000 to
12 A No, that is taken from the 2019 census.	12 get a copy of the rolls. In Alabama Mike paid \$30,000
13 Q Okay.	13 to get a copy of the rolls. Whereas in Ohio you can go
14 A What happens is the U.S. census does a	14 online right now and download it for free. It varies.
15 complete census every ten years. Then in between they	15 Q Okay. And so in the states where it is more
16 do approximations of what they think it is. And they	16 difficult, you have to pay an exorbitant sum?
17 do that in five-year buckets and they check it by	17 A Yes.
18 county level. I have checked that and they are pretty	18 Q And I will not characterize it as
19 good. By coincidence, I have been using the census to	19 exorbitant. A sum of money to get the data?
20 teach my kids statistic for decades.	20 A Yes. It varies. Some are \$100 per county.
21 Q So has the 2020 census data come out yet?	21 It depends. State to state it varies.
22 A Yes, but I have not used it yet.	22 Q That data is more granular by age and
23 Q You still use the 2019 data?	23 address and that kind of thing?
24 A For the 2020 election analysis, yes. Yes.	24 A Oh, yes. Yes.
25 Q Okay. And why would you use the 2020 census	25 Q Okay. The third set of data is the actual
Page 162	Page 164
1 data for the 2020 election analysis?	1 voter data from the election; is that right?
2 A It comes out a year later.	2 A Well, like I said earlier, it depends state
3 Q You are still running analyses now, if I am	3 to state. For example, in Pennsylvania when you
4 not mistaken, or maybe I am, but you are still looking	4 download the file that they give you, it has already
5 at state --	5 merged the history with the rolls. So, you know, it
6 A Yes. But the -- I do use later census for	6 will say John Smith, and it will show whether or not he
7 some of my other kind of graphs that I do, yes. The	7 voted in each election.
8 more current data, like when I compare the number of	8 If you go to Florida and download their
9 people in the voter rolls with how many are in the	9 rolls, no, you download just the rolls and then you have
10 county, I use whatever the most current is. But the	10 you download the voter history and then you have to do
11 reason I stick with the 2019 stuff is because that was	11 the merge.
12 the best available at the time.	12 Q Okay. So it depends on state?
13 Q Okay.	13 A State to state.
14 A So that is the best available data	14 Q The actual kind of dataset that you are
15 describing what happened in that election.	15 looking at is the turnout, how many people turned out
16 Q When did the 2020 census data come out?	16 and actually voted?
17 A It is like a year later.	17 A By age.
18 Q Sometime in 2021?	18 Q By age?
19 A Yes. It takes them a long time. Even then	19 A Yes.
20 it is revised and smooshed and who knows.	20 Q Is that in five-year increments or is
21 Q And is the 2019 census data broken down by	21 that --
22 individual ages?	22 A No, that is their birthday is in there.
23 A It is broken in five-year buckets.	23 Not all. Some states just put the birth year.
24 Q The second set of data is the voter	24 Q Okay. And the voter data, the voter turnout
25 registration data, correct?	25 data, I know in Antrim County you used voter data from

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1 January of 2021?	1 A That is the key. I call that the
2 A That sounds right.	2 registration key.
3 Q In other states does that vary, the date of	3 Q Okay.
4 it?	4 A There is another key. I call it the
5 A Yes, because for some states, Missouri,	5 population key, but that is not a polynomial.
6 their counties are not updated for six months after the	6 Q So the registration key predicts turnout
7 election. So if you use the data right after the	7 from the registration data?
8 election, it is incomplete and so your analyses are	8 A Yes. If you know who is registered, you
9 marginal. So sometimes I will wait until they have	9 can predict who is going to vote in every county. No,
10 kind of stabilized them and then I will use that data.	10 sorry. How many of every age is going to vote.
11 Q Okay. Okay.	11 Q You compare that, the actual turnout and
12 So in the Antrim County case, you looked at	12 say, these are close?
13 these three datasets and determined that the voter	13 A Yes.
14 registration so that is, I guess, the second of the	14 Q I just want to make sure that I have it
15 three we talked about?	15 right.
16 A The black curve.	16 A I use correlation coefficient so that
17 Q The black curve, was consistently near or	17 because, if you are a scientist, you can say those are
18 exceeding the population demographics?	18 close. Your idea of close and my idea of close is
19 A Yes.	19 different. So you have to put a number on it.
20 Q And that's from bucket one of the census	20 Q That is your R number?
21 data, right?	21 A That is the R.
22 A Yes. Yes. Yes.	22 Q So your theory then is that this predicted
23 Q Okay. And then you also determined, looking	23 line that you have, the sixth polynomial line, right, is
24 at those three datasets, that you could predict ballot	24 what the key is that allows an algorithm to manipulate
25 turnout demographics with what you called remarkable	25 the data and results of the election?
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1 precision, right?	1 A I do not want to get too professorial. I
2 A Yes.	2 don't think like the word theory. That means something
3 Q And that's, you have developed then this	3 in science. What I think we are trying to say is, what
4 sixth-degree polynomial key that makes that prediction?	4 are you doing? Let me rephrase that. Ask me again,
5 A Yes. Basically the key is just a	5 please.
6 polynomial. A polynomial is just a collection of	6 Q Sure. So your opinion, I will not use the
7 terms. So it means many names, polynomial. So it is	7 word theory, so your opinion is that the sixth-degree
8 built right into Excel even. If you have some wiggly	8 polynomial line --
9 line on the screen and you want to fit an equation to	9 A Yes.
10 it, you use a polynomial. So here is a wiggly line.	10 Q -- is the key to the algorithm that is used
11 You put a six -- what is surprising is a sixth-order	11 to fill the votes to make the election come out how
12 polynomial always works. That surprised me. I would	12 people want it to come out?
13 not have expected that. I would have expected there to	13 A Now I remember. So the way that I explain
14 be other things that happen.	14 this to people is, let us say you want to stuff
15 So I fit a sixth-order polynomial to it, and	15 ballots. You can't just stuff 1,000 60-year-old
16 that is sort of the equation that describes the 83	16 ballots. It would stick out and everybody would go,
17 numbers and then I can predict all the other counties	17 that is suspicious. So you have to pick who you are
18 with that.	18 going to stuff ballots for, and an algorithm controls
19 Q Then you say, look, my prediction based on	19 that. You do not want any of your ages to be too good
20 these, I guess, two sets of data, the population data	20 of a turnout. That would stand out. So you have a
21 and the registration data --	21 shape that you fill up to.
22 A No. No. The sixth-order polynomial is	22 Q Okay.
23 what I am just predicting the voter turnout from the	23 A That shape is a sixth-order polynomial.
24 registration.	24 Q And that sixth-order polynomial that you
25 Q Okay. It is just from the registration?	25 found for the registration key you believe is consistent

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<p>1 with the sixth-order polynomial that this algorithm used      2 to fill up the votes?</p> <p>3 A I cannot say that as a scientist. As a      4 scientist I can just say the results fit a sixth-order      5 polynomial. With that sixth-order polynomial I can      6 predict all the other counties. That is suspicious.      7 That is all that I can say. I cannot say that anybody      8 used it, but it is awfully suspicious that it fits      9 that.</p> <p>10 Q So is it not surprising to you then that you      11 have the ability to accurately predict the number of      12 people in an age group that will vote or who did vote      13 based on the number who were registered to vote?</p> <p>14 A What is surprising to me is that the      15 relative percentage are the same in every county even      16 though the counties are different.</p> <p>17 For example, in this county you have got a      18 bunch of black people. In this county you have a bunch      19 of Mexican people. In this county you have a bunch of      20 white people, but they all vote with the same relative      21 propensity by age. That is strange to me. It should be      22 different.</p> <p>23 I would expect, you know, Chinese people to      24 vote different than Mexican. I would expect rural      25 people to vote different than urban and yet they are the</p>	<p>1 Q So on page 3, line 21.      2 A Page 3, line 21. Dr. Douglas Frank, I got      3 it.</p> <p>4 Q That is where you say, I found where the      5 algorithms that control how many registrations and how      6 many ballots you need in every county to control the      7 election.</p> <p>8 Did I read that correctly?</p> <p>9 A Yes.</p> <p>10 Q Then you say, That is when I figured out and      11 it is widespread. It is every state that I checked so      12 far. It is a magnificent part of the detail. So I know      13 it is not an accident. It has to be done by an      14 algorithm.</p> <p>15 Did I read that right?</p> <p>16 A Yes.</p> <p>17 Q Okay. So is your definition of an algorithm      18 here the polynomial?</p> <p>19 A No.</p> <p>20 Q What is your definition of an algorithm?</p> <p>21 A An algorithm is a set of steps by which you      22 accomplish something. In programming we use that term.      23 You write a set of program lines and, when you are      24 done, that is an algorithm.</p> <p>25 Q So this is sort of what we were talking</p>
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<p>1 same. It is suspicious.</p> <p>2 Q Does each one of the counties you look at in      3 a given state exactly meet that mark or do they vary?</p> <p>4 A Exactly is why I have a number on it. The      5 correlation coefficients are in the high .98, .99 area,      6 and that not, that ain't natural, buddy. That is what      7 I say.</p> <p>8 Q Would you agree with me that a high      9 correlation does not equate to causation?</p> <p>10 A Of course not. That is a statistical      11 fallacy. I teach statistics classes. I know that one.      12 No. That is why I was careful to rephrase your      13 question a minute ago. I am not saying anybody used      14 it. I am saying it follows that, that smacks of      15 manipulation.</p> <p>16 Q All right. So let us go back to the      17 Scientific Proof transcript, which was Exhibit 3.</p> <p>18 A Okay.</p> <p>19 Q Exhibit 3 to the Smartmatic complaint filed      20 in this case. Exhibit 30 to this deposition. So let's      21 go to page --</p> <p>22 A Scientific Proof or Absolute Interference?</p> <p>23 Q Scientific Proof.</p> <p>24 A Okay. That way we don't have to worry      25 about the numbers.</p>	<p>1 about earlier, but I just want to get a clear      2 understanding.</p> <p>3 Is it your opinion that every single voting      4 machine has this algorithm embedded in it?</p> <p>5 A No, that is not my opinion.</p> <p>6 Q So where is the algorithm in your opinion?</p> <p>7 A We covered that earlier. It could be      8 anywhere. It could be on my computer in Ohio      9 controlling all the elections. It could be on, it      10 could be in every machine. I don't think that it is.      11 It could be anywhere.</p> <p>12 Q So that algorithm is what says how many, how      13 many votes you need to add in different places to get to      14 the result that you are intending?</p> <p>15 A Yes. Yes.</p> <p>16 Q That could be one place or it could be all      17 over the place?</p> <p>18 A It could be anywhere. I would concentrate      19 it at places where you had a bunch of ballots you could      20 fill out and a bunch of names that you could assign to      21 them.</p> <p>22 Q Places meaning precincts?</p> <p>23 A Well, not necessarily precincts because      24 when I first did this work I had the same question you      25 did. How in the world could you implement something</p>

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<p>1 like this?</p> <p>2 So I did some calculations and I came up 3 with the point of view or conclusion that we would need 4 at least six places in the country where we were 5 printing or collecting ballots to make this feasible.</p> <p>6 And then the very next week I heard the news 7 report about it and one of them was New York. The very 8 next week I heard about the guy driving ballots from New 9 York to Pennsylvania. I am like, this is exactly what I 10 would have predicted I would have found. Why would they 11 have to -- in other words, they don't have the print 12 shop in Pennsylvania. It is somewhere else. They are 13 distributing it from a central location.</p> <p>14 Q So the algorithm says, we need this many 15 extra ballots?</p> <p>16 A Yes.</p> <p>17 Q And then they are printed at one of these 18 print centers, correct?</p> <p>19 A Yes, or it could be harvested.</p> <p>20 Q What do you mean by harvested?</p> <p>21 A So if you -- in California, for example, 22 where Smartmatic is, every voter is mailed a ballot 23 except that about 30 percent of the people in the rolls 24 should not be in the rolls as the lawsuit with LA 25 proved. They had to remove 1.2 million people from the</p>	<p>1 voted and how they voted?</p> <p>2 A And that is what we proved in Georgia. 3 That is what my friend, he just recorded it and I 4 looked at that. All that was was, this voter voted. 5 This is what this tally is. It was reporting -- it was 6 not saying now I want you to flip that ballot. No. It 7 was saying, tell me who has voted and tell me what the 8 tally is on each of the voting machines. It was that 9 simple.</p> <p>10 Q Right. Then it is sent to here and it goes 11 out to the printing centers or the people harvesting and 12 they know how many they need to get or how many they 13 need to print and then bring them to a drop box or --</p> <p>14 A Or mail them or whatever.</p> <p>15 Q Okay. When you were coming up with your 16 implementation theory, how many people did you figure 17 would be required to kind of operationalize this?</p> <p>18 A I joke about it, but it is true. I could 19 do it in Ohio all by myself. I just need one printer 20 in the basement and I can do it. You don't have to do 21 this real time. You can have all the ballots printed 22 out ahead of time and filled out ahead of time. You 23 already know what outcome you want. You just have to 24 inflate the key appropriately. It is the only 25 adjustable parameter in the whole thing. You just say,</p>
<p>1 rolls, okay. Yet you are mailing a ballot to every one 2 of them.</p> <p>3 So now imagine, just to make the numbers 4 easy, let us say we send 100 ballots out to 100 people. 5 70 of them go where you think they are going because 70 6 of the people are real. But 30, where did they go?</p> <p>7 Q So by harvest you mean you fill out these 8 ballots and then you bring them in and put them in the 9 box?</p> <p>10 A Somebody collects those 30 and somebody 11 fills them out and somebody turns them in.</p> <p>12 Q Okay. Okay. And then so either by 13 harvesting or printing the ballots?</p> <p>14 A Yes.</p> <p>15 Q Then people take them to the places where 16 they are collecting the physical ballots?</p> <p>17 A Like drop boxes.</p> <p>18 Q And then they have them for the counts?</p> <p>19 A Right. That is the smartest way to steal 20 an election because then the recount matches and you do 21 not need the machines to cheat. You just need the 22 machines to report the tally so you know how much to 23 stuff.</p> <p>24 Q So the machines are just sending the 25 information to the algorithm about how many people have</p>	<p>1 turn up the turnout a little bit and it automatically 2 generates a whole another stack. I could have the 3 whole thing filled out and prepared ahead of time. You 4 have to know where you stand and drop off ballots.</p> <p>5 Q So you would not have to print or harvest 6 those ballots during the election?</p> <p>7 A No. As soon as the ballot style is 8 finalized, which is typically six or eight weeks, nine 9 weeks, they have to have it done early because of their 10 mailing, as soon as it is standardized, then you can 11 start work.</p> <p>12 Q Okay. So let's go to page 5, line 7. You 13 are saying above that, just for context, you are saying, 14 computers are stupid. They cannot do anything 15 themselves. You have to tell them everything. Once you 16 tell them to set up instructions, that is called an 17 algorithm. It is just like a recipe. A recipe is a set 18 of instructions. The first thing you need to understand 19 about the way elections are managed is they have what 20 are called a registration database. This is for every 21 precinct, every guy in the country, they have one of 22 these in each one.</p> <p>23 Right? Do you see that?</p> <p>24 A Yes.</p> <p>25 Q And then on line 12 you say, In most states</p>
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<p>1 you can download these for free, right?</p> <p>2 A And I would change that statement today</p> <p>3 because I have now experienced more states and they are</p> <p>4 not most states free. But at that time most of the</p> <p>5 states that I worked on were free.</p> <p>6 Q Okay. Yes.</p> <p>7 And so that is the data that you say is the</p> <p>8 input for, one of the inputs for this algorithm that is</p> <p>9 what they could have gotten for free before and now they</p> <p>10 would have to pay for, correct?</p> <p>11 A Yes.</p> <p>12 Q Okay. And then I just need to understand a</p> <p>13 little bit better how the PCAP fits into it.</p> <p>14 So on page 8, bottom of page 8, and then</p> <p>15 under the top of page 9 you are talking about the work</p> <p>16 that Mr. Lindell did on Absolute Proof, right?</p> <p>17 A Yes.</p> <p>18 Q Some forensic on the side, and that is what</p> <p>19 Mr. Lindell says, that they found spy-ware and we have</p> <p>20 all the IP addresses. These are the computers. We have</p> <p>21 all of the text.</p> <p>22 That is the kind of the forensic work that</p> <p>23 Mr. Lindell showed you, right?</p> <p>24 A Yes.</p> <p>25 Q Okay. So then at line 18 you say, Exactly I</p>	<p>1 me, what is the tally right now?</p> <p>2 Q Like just checking on where things are at?</p> <p>3 A It could be. It could be, tell me who has</p> <p>4 voted. Tell me what the tally is. Or it might say, we</p> <p>5 are in trouble. We need to do something. Like that is</p> <p>6 what happened in Michigan. When the election turned</p> <p>7 off, when it came back on, there were 150,000 new</p> <p>8 voters that were suddenly added to the rolls. That</p> <p>9 could be something that the incursions were</p> <p>10 accomplishing.</p> <p>11 Q Okay. So then these incursions happen and</p> <p>12 they check in. That is what it sounds like. The</p> <p>13 incursions are checking in on what is going on and then</p> <p>14 the algorithm would analyze the publicly available voter</p> <p>15 data in the county, right?</p> <p>16 A Sure.</p> <p>17 Q And then it would tell whoever it was how</p> <p>18 many ballots they needed to print or harvest?</p> <p>19 A Yes.</p> <p>20 Q And --</p> <p>21 A It is that simple.</p> <p>22 Q That is it?</p> <p>23 A I would like to say one thing about this.</p> <p>24 I meant to mention it earlier too. If you watch my</p> <p>25 talks, I almost never talk about the PCAPs. I almost</p>
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<p>1 can see, but thing about it is you are showing the</p> <p>2 incursions into the machines, but what do they do when</p> <p>3 they are? They have to know what to do. That is what</p> <p>4 the algorithm is telling them, what to do. Right?</p> <p>5 A Yes.</p> <p>6 Q So is it your opinion then that the PCAP</p> <p>7 data is showing these foreign incursions into the</p> <p>8 electronic machines, into the actual electronic voting</p> <p>9 machines?</p> <p>10 A So I have never with my own eyes seen the</p> <p>11 PCAPs because I am not allowed. But I have seen</p> <p>12 excerpts, and clean excerpts and mostly what I see are</p> <p>13 reports of who has voted and what tallies. Patrick</p> <p>14 Burn made a comment about that in January he made that</p> <p>15 movie Rig. I said. I have looked at the PCAP data.</p> <p>16 He says they are just a bunch of voter roll stuff.</p> <p>17 That is right. That is exactly what I am saying. The</p> <p>18 elections are being manipulated to the voter rolls. So</p> <p>19 I am not a bit surprised that that is what is in the</p> <p>20 PCAPs.</p> <p>21 Q Okay. So the incursions are not running the</p> <p>22 algorithms?</p> <p>23 A Not necessarily.</p> <p>24 Q What are the incursions doing?</p> <p>25 A It might be doing a service request. Tell</p>	<p>1 never talk about the machines. I almost never talk</p> <p>2 about electronic interference because to me it does not</p> <p>3 empower the people. I am trying to help people know</p> <p>4 what to do.</p> <p>5 People do not trust machines. So you do not</p> <p>6 trust machines. So what are you going to do? Well, you</p> <p>7 just run in there and say, I don't trust your machines.</p> <p>8 They are going to laugh at you.</p> <p>9 But if you come in and say, by the way, here</p> <p>10 is voter fraud that we documented and the sheriff has</p> <p>11 verified it is real and this is happening because</p> <p>12 somebody knows who did not vote yet and somebody knows</p> <p>13 who is a low propensity voter and somebody knows and</p> <p>14 somebody knows, then you have evidence and that empowers</p> <p>15 you.</p> <p>16 So one of the things that you will notice</p> <p>17 about me versus Mike is he is machines, machines,</p> <p>18 machines, machines, machines, but those are the data he</p> <p>19 has.</p> <p>20 I am almost never machines. I am almost</p> <p>21 always voter rolls because those are the data I have and</p> <p>22 that is what I can equip citizens with.</p> <p>23 So that is why I think, you are trying to</p> <p>24 say okay, Doug, explain how the PCAPs and the electronic</p> <p>25 interference causes all of this stuff to happen. And I</p>

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<p style="text-align: right;">Page 181</p> <p>1 am sort of saying to you, I don't really focus on that.      2 That is not my lane.      3 I don't think that that is -- I have to      4 have, I would have to have recordings from every      5 machine. I would have to rip the cover off and look and      6 take the logs, which we have a few of those. We have      7 the Colorado. So that is why I am just, it helps you I      8 think to know that about me.</p> <p>9 Q Is it fair to say then, based on what you      10 just described to me, that Mr. Lindell really could not      11 rely on you to be saying anything about the machines or      12 what the machines did or the role the machines played?</p> <p>13 A No. No, that is not fair. My evidence --      14 we did this in the movie, remember. My evidence and      15 his meshed perfectly. I need, in order for the      16 algorithms to work, in order for the mathematical      17 algorithm to work, there has to be feedback. Feedback      18 means you have to have electronic feedback. He has the      19 electronic feedback. Guess what, it completes the      20 puzzle for me because I am sitting here scratching my      21 head, how would they know how many ballots to stuff?      22 Oh, Mike has got the evidence that that is how they      23 stuffed the ballots.</p> <p>24 Q Okay. So then if you didn't have that      25 evidence or if that evidence was not accurate, then you</p>	<p style="text-align: right;">Page 183</p> <p>1 he was looking at it himself, he noticed 30,000 people      2 who live in that state voted in this state. And he is      3 saying he knows 30,000 people did not commit fraud. It      4 is happening and he uses the word machines to mean a lot      5 things.</p> <p>6 So I think he is including in that comment      7 the fact that the voter rolls are being used and the      8 machines are necessary to do that. So machines is a      9 very general term. I include the poll books as machines      10 and voter rolls as running in a computer. That is part      11 of the machine so.</p> <p>12 Q Okay. Okay.</p> <p>13 A I don't think it is fair to say that my      14 work does not support his work. It absolutely meshes.</p> <p>15 Q I meant that side of his work, it is not,      16 you are not the source, you are not the evidence --</p> <p>17 A Right.</p> <p>18 Q -- for what the machines did or did not      19 actually do?</p> <p>20 A Correct. I helped facilitate get the      21 forensic images because I understand the value of that,      22 but that is not what I analyze.</p> <p>23 Q And then if we flip over to the other one,      24 this one is Absolute Interference. I want to go to      25 pages 57 and 58.</p>
<p style="text-align: right;">Page 182</p> <p>1 kind of be only halfway there and would not really have      2 an opinion on the election?</p> <p>3 A Well, I would still have all the      4 statistics. I would still say there is something not      5 working here because all of these statistics should not      6 work this well. So I still would have gone and found      7 fraud in counties, but I am not using machine evidence      8 to find fraud. I am using the voter rolls to find      9 fraud.</p> <p>10 Q So I think what you are saying, and correct      11 me if I am wrong, but you are staying Mr. Lindell can      12 rely on you for half of what, where it was filled to and      13 you can rely or you are relying on the evidence he found      14 for how that was then used, but he cannot really rely on      15 you to talk about the machines?</p> <p>16 Like you saying the machines had to be on      17 online, that is just saying, well, for my statistics to      18 work and for this thing to be implemented, it must have      19 been, but not, you are not the source of the evidence      20 saying that they were?</p> <p>21 A I am the confirmatory, confirmatory      22 evidence.</p> <p>23 Now, in the movie Scientific Proof Mike did      24 make a comment though -- maybe it was not that movie, it      25 was another one -- where he said in the early days, when</p>	<p style="text-align: right;">Page 184</p> <p>1 A I am there.</p> <p>2 Q At the bottom you say, This is too      3 extensive. It could not be done by humans. It has to      4 be done by computers. I am imagining a room full of      5 computers somewhere that is connected to internet,      6 preparing, monitoring, controlling, cleaning up the mess      7 afterwards and you have to have each step and it could      8 not be humans.</p> <p>9 Do you see that?</p> <p>10 A Yes.</p> <p>11 Q So I have asked you earlier today if you      12 have evidence in support of some of the things that you      13 said.</p> <p>14 So I want to ask you this: Have you ever      15 seen any evidence that this roomful of computers, other      16 than that it is necessary for your theory, have you seen      17 evidence of a room of super computers somewhere running      18 these algorithms?</p> <p>19 MR. GREENE: Objection. Misstates the      20 statement in the documentaries. Go ahead.</p> <p>21 A Have I seen it with my own eyes, no. Have      22 I spoken to people who have been in rooms where the      23 computers are there, yes.</p> <p>24 Q Who have you spoken to?</p> <p>25 A A federal agent. I don't recall his name</p>

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<p style="text-align: right;">Page 185</p> <p>1 because it was in a special circumstance. He described 2 the room where there was a computer at the end of a 3 line of tables with prefilled out ballots. The 4 computer was telling them how many out of each stack to 5 put in envelopes and take down to the NGO for stuffing. 6 And I was so excited when he said that because that is 7 exactly what I predicted was going on.</p> <p>8 Q You said that you do not recall the name of 9 this federal agent?</p> <p>10 A I don't know the name of that person, no.</p> <p>11 Q Was it a man or a woman?</p> <p>12 A Man.</p> <p>13 Q About how old?</p> <p>14 A 40.</p> <p>15 Q Okay. Blonde or brunette?</p> <p>16 A Brown hair.</p> <p>17 Q Brown hair. Average height? Tall or short?</p> <p>18 A I am watching him walk into the room right 19 now in my imagination. He is 5'10.</p> <p>20 Q And when did you meet with this federal 21 agent?</p> <p>22 A About a year and a half ago. I think it 23 was like January a year ago.</p> <p>24 Q You were saying it was a special 25 circumstance.</p>	<p style="text-align: right;">Page 187</p> <p>1 to discuss strategies on how to expose the fraud? 2 A Yes.</p> <p>3 Q Was he there as a representative of the 4 Federal Government or was he there on his own?</p> <p>5 A I don't know.</p> <p>6 Q Who invited him?</p> <p>7 A I don't know.</p> <p>8 Q How long did you meet with him?</p> <p>9 A Two hours.</p> <p>10 Q And did he stay for the duration of your 11 meetings?</p> <p>12 A No.</p> <p>13 Q So this federal agent appeared and told you 14 this information and then he left?</p> <p>15 A We had attorneys in there too. I am trying 16 to remember who they were. We were designing a 17 strategy.</p> <p>18 Q And you don't know why he was there?</p> <p>19 A I did not know why he was invited. I know 20 he was there because he was telling us what we were 21 looking for.</p> <p>22 Q You don't know why he was there? That is 23 why he was there, to tell you what you were looking for?</p> <p>24 A Yes. I mean, we are traveling the country 25 trying to scrape up facts and evidence and I am part of</p>
<p style="text-align: right;">Page 186</p> <p>1 What was that circumstance?</p> <p>2 A A Faraday room, Faraday cage. We had to 3 turn in all of our cell phones and everything to go in 4 there. There is no electronic communication in and 5 out.</p> <p>6 Q Why were you going into a Faraday cage?</p> <p>7 A Because we were doing planning and we 8 didn't want anybody to know what we were doing.</p> <p>9 Q Who else were you with?</p> <p>10 A Mark Cook, Todd Sanders, Russ Ramsland, 11 Eric Waldron, Colonel Waldron.</p> <p>12 Q And were all -- was Mr. Cook and 13 Mr. Sanders, Mr. Ramsland and Colonel Waldron all 14 present for this conversation?</p> <p>15 A Two days.</p> <p>16 Q This conversation now with the federal 17 agent?</p> <p>18 A Yes.</p> <p>19 Q Not the time that you were in the Faraday 20 room.</p> <p>21 A Yes.</p> <p>22 Q Why was the federal agent there?</p> <p>23 A We were reviewing strategies on how to 24 expose the fraud.</p> <p>25 Q So you were meeting with the federal agent</p>	<p style="text-align: right;">Page 188</p> <p>1 that.</p> <p>2 Q Did he show you any credentials that he was 3 a federal agent?</p> <p>4 A I don't remember.</p> <p>5 Q Did he tell which agency he worked for?</p> <p>6 A No. Justice Department is all that I 7 remember.</p> <p>8 Q Did he tell you where he worked?</p> <p>9 A No.</p> <p>10 Q Did he tell you where he saw this computer, 11 this room of computers?</p> <p>12 A I don't remember.</p> <p>13 Q All right. Other than this person that you 14 spoke to about a year and a half ago, have you seen any 15 documentation, any other physical evidence about this 16 type of room with computers?</p> <p>17 A So the question is, you are asking me, if I 18 have this right, you are asking me have I seen any of 19 these rooms? I am proposing or I had proposed the 20 idea, this is early in my thinking, somehow there has 21 to be places where this is organized. How many would I 22 need? Well, there has to be at least one computer 23 center where this is being integrated, and then we 24 would have to have five or six places around the 25 country where ballots were being harvested and printed</p>

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<p>1 or whatever, because there is lots of ways to do that.</p> <p>2 I think that you are saying, have I ever</p> <p>3 seen direct evidence of any of that myself with my own</p> <p>4 eyes? No. But there is, there are reports.</p> <p>5 For example, the newspaper report about the</p> <p>6 guy driving ballots from New York to Pennsylvania. Like</p> <p>7 when I have sat with the federal agent who told me,</p> <p>8 describing the whole thing, I could not believe what he</p> <p>9 found. That might have been a public story. You might</p> <p>10 want to search for it. I think this was in a hotel</p> <p>11 ballroom somewhere, if that is key words for you to</p> <p>12 search for.</p> <p>13 Q It was not by the Faraday room, it was in a</p> <p>14 hotel ballroom?</p> <p>15 A The computer, the set up I was describing?</p> <p>16 Q The set up.</p> <p>17 A Yes. Yes.</p> <p>18 Q Okay.</p> <p>19 A But, in other words, I cannot be everywhere</p> <p>20 and I am not going on knocking on doors trying to find</p> <p>21 these things. But when you have a hypothesis as a</p> <p>22 scientist and then evidence comes from an independent</p> <p>23 source confirming what you have hypothesized that</p> <p>24 provides supporting evidence, that increases the</p> <p>25 likelihood that you are on the right track. A</p>	<p>1 MR. GREENE: Which page?</p> <p>2 Q Page 12, starting on line 6.</p> <p>3 That is what you were referring to in that</p> <p>4 statement? For the record, Dr. Frank is referring to</p> <p>5 page 18 of Exhibit 111.</p> <p>6 So that is the 86 percent in this</p> <p>7 Pennsylvania district, correct?</p> <p>8 A Yes.</p> <p>9 Q How did you get to the 86 percent?</p> <p>10 A I multiplied, I multiplied by the</p> <p>11 percentage that gave the best fit for that using</p> <p>12 correlation coefficient. I show that here.</p> <p>13 Q Let the record reflect Dr. Frank is</p> <p>14 referring to page 19 of Exhibit 111.</p> <p>15 So you are saying 86 percent was the number</p> <p>16 that most matched, had the highest correlation with the</p> <p>17 actual turnout?</p> <p>18 A Yes. What I was saying is, if you multiply</p> <p>19 the black curve, the registration distribution, by 86</p> <p>20 percent, you get a remarkable fit to the voting. That</p> <p>21 is what I was saying.</p> <p>22 That is not the key. I was simply showing</p> <p>23 how studying the alignment is, and I was taking people</p> <p>24 through the intellectual process of thinking this out.</p> <p>25 It is hard to throw the idea of sixth-order polynomial</p>
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<p>1 scientist has to always be willing to change his</p> <p>2 opinion at the next piece of data that comes. So you</p> <p>3 are following the data is my motto. Whatever the data</p> <p>4 our telling me, that is where I am going. Right now</p> <p>5 the data is showing this, this and this. So this is</p> <p>6 what I am thinking right now. Bring me something</p> <p>7 different, I will change my theory. Bring me data that</p> <p>8 I am going the right way, okay, I must keep going the</p> <p>9 right way.</p> <p>10 Q Circling back to the meeting with that</p> <p>11 person in January of 2021 or 2022.</p> <p>12 Was Mr. Lindell present for that?</p> <p>13 A No. Sorry. I have talked too fast.</p> <p>14 Sorry, Michele. I anticipated. Just like you said, do</p> <p>15 not do that. Let him finish.</p> <p>16 MR. GREENE: Yes, let him finish.</p> <p>17 Q All right. So just a little bit more on the</p> <p>18 polynomial itself. So back to Exhibit 3, Scientific</p> <p>19 Proof. You say, Yes, I just take the black curve and</p> <p>20 multiply it by 86 percent that helps you to see those</p> <p>21 little bumps and wiggles are just absolutely reproduced.</p> <p>22 It is just the odds of that happening in one county are</p> <p>23 ridiculously small. But, guess what, they happen in</p> <p>24 every county.</p> <p>25 Did I read that right?</p>	<p>1 at people. They do not understand it if you do that.</p> <p>2 So you make it simple at first. You say one</p> <p>3 percentage. Here you go, 86 percent. Aren't you</p> <p>4 surprised how well that fits? Yes, you should be</p> <p>5 surprised. Okay. Well, guess what, I am not limited to</p> <p>6 one number.</p> <p>7 Q Right. Is that because the numbers in the</p> <p>8 18 to 40 year olds approximately do not really match up</p> <p>9 that well with the 86 percent?</p> <p>10 A No, they don't.</p> <p>11 Q So that is why you needed to use a different</p> <p>12 number for each age group?</p> <p>13 A The different number for each group matches</p> <p>14 the sixth-order polynomial.</p> <p>15 Q That is the polynomial. I got it. Okay.</p> <p>16 Okay. So I can skip the next one then.</p> <p>17 So on page 14, starting on line 7, I think</p> <p>18 now you are talking about the polynomial. You say, This</p> <p>19 is the shape of that key. This is the key that converts</p> <p>20 registrations to ballots. In other words, the</p> <p>21 proportion of 20 year olds, to the proportion of 30 year</p> <p>22 olds, to the proportion of 40. When you look at that</p> <p>23 curve, that is a really smooth curve.</p> <p>24 A That is what you are looking for?</p> <p>25 Q Yes. I will just go on. In fact,</p>

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<p style="text-align: right;">Page 193</p> <p>1 mathematicians recognize this. It is called the 2 sixth-order polynomial. A beautiful thing about a 3 sixth-order polynomial is you only need six numbers. 4 Now I don't need 82 numbers anymore. I just need six 5 numbers. And a turnout number, which would be the 7th 6 number, and I can predict every county in Ohio.</p> <p>7 Is that correct? Did I read that correctly?</p> <p>8 A Yes.</p> <p>9 Q So breaking that down, the percentage, the 10 percentage from the polynomial is the key that converts 11 the registration into ballots; is that right?</p> <p>12 A Say that again.</p> <p>13 Q The percentage, the percent from your 14 polynomial for 20 years olds, 30 year olds, 40 year 15 olds, that is the key that converts the registrations 16 into ballots?</p> <p>17 A Right. The 86 percent has nothing to do 18 with it.</p> <p>19 Q It is not the 86 percent?</p> <p>20 A That was just an example to help people 21 see, gee, if you multiply this curve by a percentage, 22 you get awfully chose that curve. You notice that it 23 does not fit over here. It fits over here. What if we 24 use a different number for there than we use for here. 25 By the way, that fits a nice smooth curve. It is</p>	<p style="text-align: right;">Page 195</p> <p>1 sixth-order polynomial which I understand there is six 2 inputs.</p> <p>3 How do you get from the 83 to the six?</p> <p>4 A Good question. Now you have to have a math 5 answer. Let me make a really simple math answer. Let 6 us say that I say Y equals 2X. Okay. That describes a 7 line. I can put in any number I want for X, and you 8 can get a Y out of it. That is called a monomial. You 9 put in one number, you get this.</p> <p>10 This equation describes all, the whole axis.</p> <p>11 If I add a second one to X square, now it is a binomial.</p> <p>12 Okay.</p> <p>13 The sixth-order polynomial, we only need six 14 of these to describe that curve. Even though that curve 15 is composed of 83 ratios, just like this line is only, 16 it is just a line, but you can describe it with a simple 17 equation. This is just a curve, but you can describe it 18 with a simple equation. It just has six terms instead 19 of one.</p> <p>20 Q And that curve --</p> <p>21 A That is how you go from 83 to six.</p> <p>22 Q By the equation?</p> <p>23 A Yes. It is a simple equation.</p> <p>24 Q And how did you determine that it should be 25 a six-degree polynomial?</p>
<p style="text-align: right;">Page 194</p> <p>1 called a sixth-order polynomial.</p> <p>2 Q How did you determine the percentage for 3 each decade age group? How did you determine this is 4 the number for --</p> <p>5 A Oh, I was just using that as an example, 6 20, 30, 40. I am actually doing it for every age. 18, 7 19, 20, 21, 22. I show that in a different slide. I 8 do it for every age, 83 numbers. That is where we get 9 the 83 rolls of the die idea. I am trying to find that 10 for you. Yes, here it is. I give a diagram kind 11 illustrating that process.</p> <p>12 MR. GREENE: Page 13 maybe.</p> <p>13 A Here.</p> <p>14 Q Let the record reflect we are looking at 15 page 34 of Exhibit 111.</p> <p>16 A You notice that I am showing that there is 17 a different percentage for every age. There is 18 actually 83 of those, but it would be a messy diagram. 19 So I did that just for illustration purposes. You need 20 a different proportion for every age. Together they 21 define the registration key. And then when you look at 22 the registration key, lo and behold, it is a smooth 23 sixth-order polynomial. Oh, that is interesting.</p> <p>24 Q So are you saying that, I am trying to get 25 how you get from 83 numbers for every age to the</p>	<p style="text-align: right;">Page 196</p> <p>1 A Because a second-order polynomial does not 2 fit. A second-order polynomial is a line. It does not 3 look like a line, does it?</p> <p>4 A third-order polynomial is a bravlet. It 5 does not fit, does it? So each order you increase, and 6 I do this in live. In the early days when I was focused 7 on the math, I am not so much focused on the math in my 8 presentations anymore, I used to bring up an Excel 9 spreadsheet and take the data and say, here is the 10 second order. Here is the third order and fourth order. 11 And you would notice, it would not fit. It would not 12 fit. And then suddenly the sixth order fits perfectly. 13 The fact that I can get a sixth-order polynomial to work 14 in every state was interesting in itself, especially 15 since it is the highest degree that Excel goes to.</p> <p>16 Q Okay. So you stopped at six?</p> <p>17 A Because it works.</p> <p>18 Q Because it fit what you were seeing?</p> <p>19 A Yes.</p> <p>20 Q So that is how you determined that was the 21 right one?</p> <p>22 A Yes.</p> <p>23 Q And you did not go seven or eight might have 24 worked better but Excel does not go there?</p> <p>25 A But I wrote it myself. I can write all of</p>

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<p style="text-align: right;">Page 197</p> <p>1 those equations myself and I did and explored it. It 2 does not get any better. It hits it at six and now you 3 are there. You do not need it to be any better than 4 that.</p> <p>5 Q Okay. Did you consider the age demographics 6 of registered voters and the votes cast by registered 7 voters both correlate to the age demographics of the 8 overall population?</p> <p>9 A For example, older people are more reliable 10 voters than younger voters. So you are automatically 11 going to get a correlation coefficient around. 4., .5 12 without even trying just because older people tend to 13 vote better than younger people, but that may not be 14 true in every county.</p> <p>15 For example, in a county that has a 16 university, there might be a different behavior of 17 younger people than in a county that does not have a 18 university, because the young people behave differently. 19 So, yes, I considered that. And that is why it is so 20 important that it is not just one county. It is every 21 county.</p> <p>22 Q Okay. And I know that you mentioned earlier 23 today that you have done, you have looked at voter 24 turnout in the past as part of your election 25 prediction --</p>	<p style="text-align: right;">Page 199</p> <p>1 First I point them to the data first, and they explore 2 the data themselves and learn from the data. 3 Q Okay. So you are more focused on the data, 4 analyzing the data yourself than about any kind of 5 research that has been done, you know, by people who 6 focus on this area of academia?</p> <p>7 A Yes.</p> <p>8 Q That is correct?</p> <p>9 A Yes. Well, with my students that is what I 10 do, yes. Yes. Myself, I have read dozen of papers 11 over the years. Academicians have studied that, yes.</p> <p>12 Q Do you recall any of the papers that you 13 have read?</p> <p>14 A I would have to go look it up, but I can 15 give you some of the conclusions that I have gleaned 16 over the years. I mean, I have been studying it for 17 decades.</p> <p>18 Q But none come to mind right now?</p> <p>19 A For example, that especially comes up when 20 you are studying polls. I studied polling extensively. 21 I even considered a career in working as a pollster 22 because that is a whole bunch of math and a whole bunch 23 of numbers. And how do they reduce polling information 24 into statistics whereby they make election predictions, 25 that is what I have been doing for so many years.</p>
<p style="text-align: right;">Page 198</p> <p>1 A Oh, yes.</p> <p>2 Q -- exercises, right?</p> <p>3 A Yes.</p> <p>4 Q Have you ever studied kind of like voter 5 demographics and what motivates people to vote and how 6 often people vote? Have you done a study of the 7 research and literature on that?</p> <p>8 A Yes, quite a bit because when I do this 9 with my students, for example, I mentioned the project 10 that my senior student did one of my last years at 11 Schilling where he did that throughout the entire 12 country, and I helped him to write web bots they are 13 called. They go and scrape all of that data so you can 14 start with a massive amount of data and run AI on it 15 and make predictions. So absolutely I do that.</p> <p>16 Q Do you recall any of the studies or the 17 research or the literature that you read about voter 18 demographic and voter turnout?</p> <p>19 A There are many papers on it, yes. A 20 specific one does not come to mind right now because 21 most of the time I am encouraging my students to do 22 this blind because I do not want them to be pre-biased 23 by any idea. Oh, older people vote better than 24 younger. I want them to discover that for themselves. 25 So I do not point them to the literature.</p>	<p style="text-align: right;">Page 200</p> <p>1 So I am very familiar with how they, for 2 example, if they need to know how many old people are 3 going to vote and how many young people they need to 4 have certain sampling rates because the demographics are 5 different. They vote differently and in different 6 communities they vote. I have read dozens of papers on 7 that.</p> <p>8 If you even just read the methodology used 9 in the polling, when people read polls, they usually 10 just read the result of the poll. They do not read all 11 the underlying. I read all the underlying because I am 12 interested in that.</p> <p>13 Q Okay. That is just something that you do as 14 kind for fun for your own edification, for your own 15 interest?</p> <p>16 A And for my students because, you know, I 17 try to be knowledgeable in what I am encouraging them 18 to do, yes.</p> <p>19 Q Okay. Dr. Frank, I am sure you are aware 20 but I have to ask. Are you aware that there are various 21 academics and others who have written articles, 22 published papers, news articles and things of that 23 nature discussing potential flaws in your polynomial --</p> <p>24 A Of course.</p> <p>25 Q -- analysis?</p>

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1 A Yes.	1 MR. GREENE: It happens. Do you want to go
2 Q Have you read those?	2 off the record?
3 A Yes.	3 MR. FREY: Yes, let us go off the record.
4 Q Do you know whether Mr. Lindell is aware of	4 THE VIDEOGRAPHER: The time is 2:41 p.m.
5 the various academics and articles discussing the flaws?	5 We are going off the record.
6 A Sure. I know Mr. Lindell rather well. I	6 (Recess was taken.)
7 doubt he has read a single one of them. What has	7 THE VIDEOGRAPHER: The time is 2:42 p.m.
8 probably happened is it has been brought to the	8 We are on the record.
9 attention of his attorney who then calls me and says,	9 (Exhibit 112 was marked.)
10 are you aware of this article?	10 Q (BY MR. FREY) I apologize for that brief
11 And then I will say oh, no. So I read a	11 recess there. We found our exhibit.
12 copy of it. Then he probably informs Mr. Lindell about	12 So, Dr. Frank, we have handed you what is
13 it, but Mr. Lindell himself probably did not read it.	13 marked as Exhibit 112 which is an article written by
14 Q Have you ever talked to Mr. Lindell about	14 Justin Grimmer and Matthew Tyler entitled, High
15 any of those articles?	15 correlations between predicted and actual ballots do not
16 A Not at length, no.	16 imply fraud.
17 Q Not at length. Briefly have you discussed	17 Do you recognize this article?
18 it then?	18 A Yes, sir.
19 A Yes, sure.	19 Q Is the article that we were just discussing
20 Q How many times do you estimate?	20 that you talked about with Mr. Lindell?
21 A Half a dozen times in the last couple of	21 A It is one of two, yes.
22 years.	22 Q And so are you familiar with Justin Grimmer?
23 Q Do you recall the first time?	23 A Yes.
24 A After the Placer County thing, at the	24 Q Who is Mr. Grimmer?
25 moment of truth we discussed the Grimmer response.	25 A He is a professor at Stanford, I think,
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1 Q What did Mr. Lindell say about the Grimmer	1 Hoover Institute.
2 response?	2 Q Are you familiar with Matthew Tyler?
3 A He was not saying. I was saying. You	3 A No.
4 know, I am the teacher. So he refers to me.	4 Q I want to talk a little bit about some of
5 Q So he asked you, what is your response?	5 the articles or some of the arguments put forth by
6 A What do you think of it? I told him what I	6 Mr. Grimmer and Mr. Tyler.
7 thought of it. That was that.	7 So, first, the author is describing a theory
8 Q Any other times that you recall?	8 at the very beginning as follows: They say that your
9 A Well, of course the Zeidman arbitration.	9 theory is a strong correlation between the predicted
10 Zeidman's paper, I guess you can say it is a paper, we	10 count of the votes from age groups.
11 discussed that at length.	11 A Where are you reading?
12 Q That is not really about your polynomial;	12 Q The very top line. I just --
13 Mr. Zeidman's paper is more about the PCAP data, right?	13 A I am there.
14 A Yes.	14 Q A strong correlation between the predicted
15 Q I am focused right now on the polynomial.	15 count of votes from age groups and actual count of the
16 A Yes. In particular there is one from	16 votes across counties in swing states is evidence that a
17 Stanford, Mr. Grimmer who often says -- well, he also	17 key or algorithm was used to determine the vote before
18 did a memo on my analysis of Placer County. I have	18 the election.
19 written a formal response to that.	19 Do you see that?
20 Q So let's talk about, I think this is the	20 A Yes.
21 Grimmer one that you have in mind.	21 Q Is that a fair and accurate description of
22 A I believe there is two. One is paper and	22 your opinion?
23 one is a memo.	23 A I would never say that. That is a
24 Q I got us all out of order.	24 correlation versus causation argument. I don't like
25 A That is all right.	25 that kind of a statement. I don't say it that way. I

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<p style="text-align: right;">Page 205</p> <p>1 am much more academic.</p> <p>2 I would say, I have found one which is</p> <p>3 suspicious which means I need to look into it some more.</p> <p>4 That is what I would say.</p> <p>5 Q So you would not say that this was used to</p> <p>6 determine; you would say that you found the correlation</p> <p>7 which is suspicious?</p> <p>8 A Which means I would want to look into it</p> <p>9 more carefully.</p> <p>10 Q Okay. Okay.</p> <p>11 A I would never say it that way. This is a</p> <p>12 strongman.</p> <p>13 Q Because they go on to state that, in the</p> <p>14 next sentence, that they will show that there is a high</p> <p>15 correlation between predicted and actual ballots in all</p> <p>16 states where there is adequate data to make an</p> <p>17 assessment.</p> <p>18 Do you see that in the next sentence there?</p> <p>19 A Yes.</p> <p>20 Q And if I understood your testimony earlier</p> <p>21 today correctly, you would say, other than maybe a</p> <p>22 couple of counties in Montana, you would agree with</p> <p>23 their conclusion?</p> <p>24 A No, because they are based on a false</p> <p>25 premise. They are talking average turnout. I am not.</p>	<p style="text-align: right;">Page 207</p> <p>1 registrants appears in both terms of the correlation --</p> <p>2 A Where are you reading now?</p> <p>3 Q This is in the third sentence.</p> <p>4 A I got.</p> <p>5 Q There is nothing remarkable about</p> <p>6 this correlation --</p> <p>7 A Yes.</p> <p>8 Q -- because the number of registrants appears</p> <p>9 in both terms of the correlation. Frank's correlation</p> <p>10 is artificially inflated.</p> <p>11 A That is a misrepresentation again of what I</p> <p>12 have said. So, for example, I am not trying to say</p> <p>13 that I am a prophet, that I can predict the outcome of</p> <p>14 elections. I am saying, if you allow me to look at one</p> <p>15 county, I can predict all the others. That is</p> <p>16 surprising, okay. It is not a prediction in the sense.</p> <p>17 People say, if you can predict it, tell me</p> <p>18 what is going to happen in the next election. I don't</p> <p>19 know what is going to happen in the next election. Let</p> <p>20 us do the next election. I will measure one county and</p> <p>21 we will see if it is in the same in all the other</p> <p>22 counties. The point is that it is the same. That is</p> <p>23 the point.</p> <p>24 Q The point is that the percentage of actual</p> <p>25 turnout to registered voters for age ranges is the same</p>
<p style="text-align: right;">Page 206</p> <p>1 I am talking about turnout versus age.</p> <p>2 Q Where do you see that, them talking about</p> <p>3 average turnout?</p> <p>4 A Average turnout rate correlation Figure 1</p> <p>5 is the X axis. Average ballot count correlation, I do</p> <p>6 not do average ballot count correlation. I do not do</p> <p>7 that. He is creating a strawman. That is not what I</p> <p>8 argue at all.</p> <p>9 Q So you would disagree that this high</p> <p>10 correlation between predicted and actual ballots can be</p> <p>11 found in all states?</p> <p>12 A I don't know. I didn't analyze his -- I</p> <p>13 would want to see his source data.</p> <p>14 Q I am saying, in your data, in your analysis,</p> <p>15 every state you have looked at --</p> <p>16 A In every state that I have looked at, all I</p> <p>17 have to do is look at one county, look at the ratio by</p> <p>18 age between who is registered and who voted and that</p> <p>19 relationship is maintained throughout the state.</p> <p>20 Q Okay.</p> <p>21 A That is not what he is saying. He is</p> <p>22 saying something else, and then he is arguing against</p> <p>23 something that I did not say. That is called a</p> <p>24 strawman.</p> <p>25 Q So when he says, because the number of</p>	<p style="text-align: right;">Page 208</p> <p>1 across counties?</p> <p>2 A For every, yes. That is what is the same.</p> <p>3 That is, that is just a fact. You can do the math and</p> <p>4 there it is.</p> <p>5 Q So I want to look -- do you dispute the</p> <p>6 correlation they are looking at? Looking at page 3</p> <p>7 under heading 4, right, they state, Your correlation</p> <p>8 equation is core (actual counted ballots, predicted</p> <p>9 counted ballots equals core) turnout, times number of</p> <p>10 registrants, predicted turnout times number of</p> <p>11 registrants.</p> <p>12 Is that an accurate statement of your</p> <p>13 correlation?</p> <p>14 A No, it is not.</p> <p>15 Q What is your actual correlation computation?</p> <p>16 A So people always ask me this. When I</p> <p>17 explain it, they say, it is that simple? Yes. It is</p> <p>18 that simple.</p> <p>19 Take the number of people who voted who are</p> <p>20 18. Take the number of people who are registered who</p> <p>21 are 18. Take the ratio.</p> <p>22 Take the number of people who voted who are</p> <p>23 19. Take the number of people who are 19 and registered</p> <p>24 and take the ratio. Do that 83 times. That is your</p> <p>25 key.</p>

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<p style="text-align: right;">Page 209</p> <p>1 Q So it is number of people who voted at an 2 age over the number of people registered at an age?</p> <p>3 A It is that simple.</p> <p>4 Q 83 times? Where do you derive -- so is that 5 the number then on your plot in your polynomial, that 6 ratio?</p> <p>7 A Yes.</p> <p>8 Q And then your correlation, where do you, how 9 you do you get your correlation coefficient?</p> <p>10 A If I take the turnout in a county, the 11 total turnout and normalize the curve by that, you are 12 not allowed to create ballots or remove ballots, so we 13 know the curve looks like. This let us make sure that 14 the total equals however many the turnout is, 15 superimpose that on the data and it fits.</p> <p>16 Q And the R number that you calculate is just 17 the difference between what?</p> <p>18 A It is called the Pearson's R. It is a 19 correlation coefficient. It is a statistical term 20 where you take the difference between every one of 21 those terms and do some fancy square roots and that is 22 about it. It's built right into Excel. It is called 23 the correlation coefficient. It is a very powerful 24 technique. You use R square to compare absolute fits. 25 I am not doing an absolute fit. I am comparing the</p>	<p style="text-align: right;">Page 211</p> <p>1 Q Is there like a particular county you pick 2 to start with? How did you pick your --</p> <p>3 A Great question. Sorry. I interrupted you 4 again.</p> <p>5 MR. GREENE: Give him time.</p> <p>6 A I have debated this at length. The point 7 is not that I can predict it. The point is that they 8 are all the same. So you can do it in a number of 9 ways.</p> <p>10 You can pick one county and predict all 11 others, but that leaves you vulnerable because there 12 might be a little noise on one of the counties or one of 13 them might deviate a little bit. So that would -- or I 14 can go through and pick the one that works the best and 15 then people can say, oh, well, you are cherrypicking.</p> <p>16 So how do I know how to pick the one county? 17 So that would be -- so there is flaws with that 18 approach.</p> <p>19 There is a flaw where I can say, well, I can 20 pick a big county, a medium county and a small county, 21 okay, and average them and use that as the key. Well, 22 but then how did you pick those? You are cherrypicking. 23 You are always vulnerable.</p> <p>24 You can average all of them and then compare 25 it to all of them. If I do that, they say you are just</p>
<p style="text-align: right;">Page 210</p> <p>1 shape because I care about the relative turnout.</p> <p>2 Q And you are comparing the shape of your 3 predicted line to the shape of the actual line?</p> <p>4 A Yes.</p> <p>5 Q You are getting your predicted line by the 6 number of registrants is the registering key, correct?</p> <p>7 A I am taking the number of the 8 registrations, the registrations by each age and 9 multiplying it by the key, and that gives me who voted.</p> <p>10 Q And then you are saying that correlates 11 really well to the number of people registered?</p> <p>12 A No, it correlates really well to the number 13 of people who vote.</p> <p>14 Q Correct. I misstated that.</p> <p>15 So you are saying that then the predicted 16 line that you have which you derived from a percentage 17 of the registrations --</p> <p>18 A Yes.</p> <p>19 Q -- correlates very well to the number of 20 people who actually vote?</p> <p>21 A Yes. So it is that simple.</p> <p>22 Q Okay.</p> <p>23 A He is saying, well, it correlates well 24 because you are self-correlating. I am not. I am 25 taking a ratio which matches all the other counties.</p>	<p style="text-align: right;">Page 212</p> <p>1 using the answer to get the answer. Okay.</p> <p>2 The point is not whether we are predicting 3 or not. The point is that they are all the same. How 4 do you want to show that is up to you.</p> <p>5 I find that people seem to understand it 6 best if I say, I have a simple metaphor for this. 7 Imagine you have a bunch of jars on the wall and they 8 have ping-pong balls in it. You start taking ping-pong 9 balls out of the first one and they all have a five on 10 it. You can take the next one and they all have a seven 11 on it. You take the ping-pongs out of the next one and 12 they all have nines on it.</p> <p>13 Well, after awhile you got the idea that all 14 of the jars are sorted by number. So after you pick a 15 number out of here, okay, you know that the rest is 16 going to be that way. It is that simple.</p> <p>17 Now, how do you want to prove that all of 18 them are nine? Okay. You can take them all out and 19 count them all and then say what the average is is nine. 20 Okay. Let us compare nine to every one.</p> <p>21 Okay. That is sort of silly. You can pick 22 three of them and average and say well, that is nine, 23 and they are all nine.</p> <p>24 You can pick one and say they are all nine 25 and they are all nine. The point is not how do you come</p>

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1 up with that statistic. The point is, they are all the 2 same.	1 about Placer County and I responded to that one and put 2 that out there somewhere. It is on -- I gave copies to 3 Kurt and various people.
3 Q I understand. But they are not actually 4 exactly the same?	4 Q Do you know where it was published?
5 A They are within a percentage.	5 A It is not published. It is just on social 6 media.
6 Q Right.	7 Q It is on social media?
7 A That is why I use a 20 sided die. The 20 8 sided die is 1/20th accuracy.	8 A Yes. So is his memo. Was this published? 9 I do no know. Or did he just put it out there. A lot 10 of this stuff does not get peer reviewed and put out 11 anywhere. It is just on social media.
9 Q So it is --	12 Q Do you know what social media channel you 13 published your response on?
10 A In my metaphor.	14 A You know what, I don't know if I even put 15 it on social media honestly. I gave it to lots of 16 grassroots people who are saying, we need a response to 17 this. I sent it to them. I am not sure it is out 18 there.
11 Q In your metaphor --	19 Q That just makes, frankly, me feel better 20 that we had not found it.
12 A I use a 20-sided die and that is really 13 actually conservative because it is usually way better 14 than that.	21 A Yes. Yes. I sent it to a bunch of people 22 who are asking, how do we reply to Mr. Grimmer? Here 23 is how you reply.
15 Q In your metaphor you say I can roll the die 16 83 sometimes and I get the same number across each 17 county?	24 I have sat on it for a while because I like 25 peer review. I like other people to read and critique
18 A The same series of numbers, yes.	
19 Q It is not the exact same number, right?	
20 A It is different for every age.	
21 Q It is different for every age. Even for 22 every county it is not exact same percentage?	
23 A It is within 1/20th.	
24 Q Within 1/20th?	
25 A So let us say your number is one to 20. If	
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1 it was a 16 or could have been a 17, or if it is 16, it 2 could have been a 15. So it is within one. That is 3 within 1/20. That is a metaphor I use.	1 me. I also like whatever goes out in the public to be 2 carefully very accurate and that way it withstands the 3 test of time.
4 I actually think it is more accurate than 5 that, but a 20-sided die people play with Dungeons and 6 Dragons. They have seen them. It is not a scary thing. 7 It is a metaphor to explain.	4 Q Can I make a request of you and counsel, I 5 don't know if this is appropriate in this situation, can 6 I request that you produce us a copy of that response?
8 Q I appreciate that clarification because, 9 when I read your die analysis, I did not get that it was 10 same one way or the other that it was within a 11 percentage. I thought that you were saying it is the 12 exact same as my prediction?	7 A Any objection?
13 A Yes. Yes. Well, exact -- nothing is exact 14 in statistics. Everything is within a certain degree 15 of accuracy.	8 MR. GREENE: Do you want to track it down 9 and send it to me.
16 Q Okay. Okay.	10 A I would be delighted, yes.
17 So we talked about their correlation, and 18 your response to their correlation critique is that they 19 are just setting up a strawman theory? They are not 20 accurate?	11 Q Thank you.
21 A That is not what I actually say. They are 22 arguing something against I do not actually say.	12 A It is not the same topic as this.
23 Q You actually wrote a response to Mr. Grimmer 24 and Mr. Tyler?	13 Q It is on their other paper?
25 A Not to this one. He wrote another memo	14 A It is related to Placer County and the fact 15 that I could predict down to the precinct level what 16 was going on.
	17 And, if you want, I can address what I 18 anticipate your questions to be from that so we don't 19 have to have another deposition or you can tell me to 20 shut up.
	21 MR. GREENE: Just send me what you wrote 22 previously. Let's us do that and then we will cross any 23 other bridge after that.
	24 A Very good.
	25 Q Okay. So you didn't respond to this one.

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<p>1 Is there a reason you chose not to respond      2 to this one?</p> <p>3 A It is a strawman. Okay. So that is my      4 reply. This is a strawman. This is not what I say.      5 What do you mean that is not what you say? What I am      6 going to do is turn into some kind of -- yes, it is a      7 waste of my time. I have better things to do.</p> <p>8 Q I want to ask you one other thing about this      9 one and that is, it is at the very beginning, so at one      10 point in their paper on the bottom of page 1 they say      11 Frank never responded to our request for replication      12 code or data so we used his public description to      13 replicate his results.</p> <p>14 Do you recall Mr. Grimmer or Mr. Tyler      15 requesting your code or data?</p> <p>16 A No, but there is not code. You take the      17 ratio.</p> <p>18 Q So is that why you would not have provided      19 it to them?</p> <p>20 A Well, perhaps. Data, I don't know what he      21 would be requesting. I don't remember his request      22 honestly.</p> <p>23 But a lot of times people come to me and      24 say, Dr. Frank, give us your software. There is no      25 software to give. Do the following steps. Follow this</p>	<p>1 hired a statistician to duplicate my work.      2 In California there is a team in San      3 Bernardino County. The team there, his name is Steve      4 Unfley, he is so proud that he has duplicated six of my      5 counties. There are people all over the country that      6 have duplicated my work.</p> <p>7 There is actually a published paper. A guy      8 graduated from the University of Virginia and he asked      9 me to not to post my Florida results until he got his      10 paper published because he had already confirmed what I      11 found there and he wanted to be the first one to publish      12 on it. And he submitted to the Secretary of State and      13 everything. I don't remember his name, but we can      14 probably go look and find it.</p> <p>15 But the point I am trying to make with this      16 is that the math I do is straightforward and anybody can      17 do it who has data skills, and so it is not a big deal.</p> <p>18 Q Okay. Have you ever provided it to      19 Mr. Lindell your formulas and your underlying math? Has      20 he ever asked for it?</p> <p>21 A No. He has never asked for it. It is      22 simple. There is nothing to ask for. Take the ratio.</p> <p>23 (Exhibit 113 was marked.)</p> <p>24 Q (BY MR. FREY) One more I want to look at.      25 We will mark what will be Exhibit 113 which is one</p>
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<p>1 algorithm.</p> <p>2 Where do we get the data, Dr. Frank? Talk      3 to your local clerk and get your own copy or talk to      4 Cause of America and they will give you a copy. I mean,      5 I have hundreds of emails a day. I don't have time to      6 coach every individual who wants help on this.</p> <p>7 Q Have you, setting aside Mr. Grimmer and      8 Mr. Tyler, have you provided your formulas or your      9 methods in like mathematical detail to anybody?</p> <p>10 A Yes. Patrick Colbeck. He put a chapter in      11 his book about it. But at least a dozen people around      12 the country have duplicated what I have done. To them      13 it is kind of like, we can do what Dr. Frank did and      14 they are proud of it. Some of them are federal      15 officials and they do not want anybody to know who they      16 are so I do not give you their names.</p> <p>17 But then some of them are normal citizens      18 who are proud that they can do that. So a lot of people      19 have it. I appreciate that because, not because I need      20 validation because it is pretty straightforward, but      21 then I make sure I did not make some silly mistake. It      22 is like somebody else checked my work and that is great.</p> <p>23 I got a group in Oregon that has validated      24 all my work there. They are in a lawsuit there. They      25 were using my work in a lawsuit there. So they actually</p>	<p>1 additional article or publication that I wanted to      2 discuss with you. This is -- Exhibit 113 will be a      3 document entitled, "Analysis of the Dr. Douglas G. Frank      4 Voter Fraud Theory, Phantom Ballots and the Case of the      5 Polynomial Credit Line, written by John Henderson.      6 Have you seen this one before?</p> <p>7 A I don't recall it.</p> <p>8 Q Do you know who Mr. Henderson is?</p> <p>9 A No.</p> <p>10 Q So if you do not recall this article, is it      11 fair to say that you have not discussed this article      12 with Mr. Lindell?</p> <p>13 A I have not.</p> <p>14 Q I am not going to get to all of the details      15 of this one, but just a couple of questions.      16 If you turn to page 6, in the third full      17 paragraph under Section 4.1, Mr. Henderson writes, After      18 significant effort, I see no evidence that the Census      19 Bureau reports population for individual ages instead      20 using total population for age ranges which is what I      21 believe was used by Dr. Frank.</p> <p>22 I believe that is consistent with what we      23 discussed earlier, that the 2019 census data is by      24 range, not by individual?</p> <p>25 A Five-year buckets. Actually, I posted a</p>

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<p style="text-align: right;">Page 221</p> <p>1 video teaching people how to do it on my Rumble 2 channel. 3 Q Okay. So you would agree though that it is 4 data that has been worked with, it is not just raw data 5 from the census? 6 A No, I would not agree with that. It is 7 exactly consistent with what the census reports. 8 Q How do you determine, say, the number of 23 9 year olds versus the number of 24 year olds? 10 A So the census prints a graph every year for 11 the number of people by age. There is a shape to it. 12 What they do, that shape does not change year to year. 13 The shape stays the same because people do not die in 14 uneven amounts. It is statistical thing. So that 15 shape gets promoted. I have a picture of that in here. 16 This is completely the census doing this, not me. 17 Everything here I downloaded from the census. 18 Q Just for the record, this is page 13 of 19 Exhibit 111? 20 A Right. Do you notice that this data they 21 give are for every year, every age? 22 Q This is the 2010 census data, correct? 23 A And 2011 and 2012 and 2013 and 2014. This 24 is the seven years, eight years, sorry, eight years, 25 right, downloaded from the U.S. Census year by year,</p>	<p style="text-align: right;">Page 223</p> <p>1 county level? What about people leaving one county and 2 going to another. I am from Chicago and we have a lot 3 of people leaving, right? 4 A Right. Yes. 5 Q Is that accounted for in this movement from 6 your year to year? 7 A They adjust it. The census has a whole 8 bunch of guys who sit around and do this crunching all 9 of the time. They say okay, what is the current 10 population according to the tax records of that city 11 right now. Gee, that matches or changes or whatever. 12 Then they make adjustments. 13 I mean, they have people, that is all they 14 do. They are actuaries. They love doing this. That is 15 their life. And so understanding how their methodology 16 allows me to make really closest estimates. They don't 17 even have to be perfect. They have to be close to make 18 the argument that I am making. 19 Q Okay. So it does not have to be exact data; 20 it just has to be close data? 21 A Close enough that you can make good claims. 22 Q Okay. 23 A Yes. 24 Q Okay. 25 A He says, There is no evidence that the</p>
<p style="text-align: right;">Page 222</p> <p>1 every age. 2 Q And they do that graphically? 3 A They do it digitally. 4 Q I am sorry. I thought earlier today that 5 you said that census gives the data by five-year age 6 ranges. Now you are saying no, they give it for every 7 single age? 8 A They don't update it perfectly by knocking 9 on every door every year. They take the shape and then 10 they move it one year every year because the shape does 11 not change dramatically. That is what I am 12 illustrating here. Then they box it into five-year 13 increments. But if you know there is source data which 14 they give you, then you can back calculate what it is 15 within a very reasonable percent. 16 Q Okay. That is because people do not die 17 on even -- 18 A You don't only use 50 year olds this year. 19 You are probably going to lose about the same amount of 20 50 year olds as 49 unless you have a disease that just 21 attacks 50-year-olds. The shape does not change, it 22 shifts. What happens is that people will begin to die. 23 It follows a pattern. So the mathematics of this is 24 very straightforward, and they give that to you. 25 Q What about the movement out, you look at a</p>	<p style="text-align: right;">Page 224</p> <p>1 census bureau reports population for individual ages. 2 Here it is. He is wrong. 3 Q They don't report it for individual ages 4 year over year; they move the graph from 2010? 5 A The devil is in the details. 6 Q Right. Okay. If you can go to page 13. At 7 the very top under 4.5 he writes, We all know that 8 correlation does not equal causation, but did you know 9 that correlation as in Pearson's correlation coefficient 10 R value does not equal accuracy -- 11 A Correct, that would be R square. I do not 12 use R for a reason. 13 Q So you don't use the Pearson correlation? 14 A I use R. 15 Q You agree that that does not equal accuracy? 16 A Correct. Accuracy is something different. 17 You use R square for accuracy. You take the R value and 18 square it and that's -- yes, it is different. It is a 19 different equation. It is a different thing 20 altogether. 21 I am not trying to be accurate. I am trying 22 to show that the shape is the same. How do you show 23 this shape is the same? You use a number that describes 24 shape. That is why I chose correlation. 25 Q Okay. Okay. If you can go to page 16.</p>

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<p style="text-align: right;">Page 225</p> <p>1 About midway down Mr. Henderson walks through the three      2 curves or the three datasets that are input?      3 A He says, Here is all we have shown or some      4 curves that match in shape. He is acknowledging what I      5 just said. Go ahead.      6 Q First he says, you know, first what you show      7 is that citizens of a certain age exist.      8 Do you see that in his first bullet?      9 A Yes.      10 Q And do you agree that the blue line in your      11 charts, that is the population line?      12 A Yes.      13 Q Number of people who exist?      14 A Yes.      15 Q Second, some of those same citizens are      16 registered to vote?      17 A Some of them, I agree.      18 Q And that would be the black line, right?      19 A Yup.      20 Q That is the voter registrations?      21 A And there is a problem there. I am not      22 necessarily, I would not necessarily concede that      23 because in many cases the black line exceeds the blue      24 line, which means that some of the people in the rolls      25 are not some of the people in the blue. Some of the</p>	<p style="text-align: right;">Page 227</p> <p>1 Why would the relative proportion of 73 year olds and 20      2 year olds be the same in every county? Let me make it      3 worse than that.      4 Why would the relative percentage of 73 year      5 olds, 50 year olds, and 20 year olds be the same in      6 every county? Why would all 83 of them be the same in      7 every county?      8 Q And that is not the same percentage for      9 each, you are just saying that the --      10 A Same relative percentage.      11 Q Same relative percentage. I got you.      12 A That is what is mysterious. So he is not      13 even really addressing the right question. He is      14 looking at a single age. It is not the fact that the      15 single age is what it is. It is the fact that all 83      16 of them are.      17 Q Okay. Okay. And then, finally, I want to      18 look at page 24. I think it is the last page. He poses      19 several kind of challenges here, I guess, that he      20 thinks, you know, might show that the correlations that      21 you see in the numbers of citizens registered voters and      22 actual voters is surprising or indicative of fraud.      23 And he says, first, you can do this by      24 showing that a state with a high plus R or high plus D      25 margin in the 2020 election, e.g., Wyoming, Idaho, Utah,</p>
<p style="text-align: right;">Page 226</p> <p>1 people in the black are not the people in the blue. I      2 think that is what his same italics are implying, and I      3 do not agree with that.      4 Q Some voter rolls are out of date or not kept      5 up?      6 A Exactly. Yes.      7 Q And then the third point is, some of those      8 same citizens vote and that is the voter turnout line,      9 that is the red line?      10 A Yes.      11 Q Okay. And then Mr. Henderson poses a      12 question. He says, how would it not be the case that      13 these curves match? In other words, given some EG spike      14 of 73 year olds who exist in the population, why      15 wouldn't that spike in demographics show up in the      16 number of 73 years old who register or the number of 73      17 year olds who vote? Do you see that?      18 A I see it.      19 Q What is your response to Mr. Henderson's      20 question?      21 A It is a simple response. The percentage of      22 73 year olds who vote in one county is the same in      23 every other county in the state you think? Why would      24 it necessarily be the same in every county?      25 Furthermore, let me make it worse than that.</p>	<p style="text-align: right;">Page 228</p> <p>1 California, Massachusetts, Vermont would there be no      2 incentive for ballot manipulation, does not have a      3 strong correlation between population registered voters      4 and votes across the age demographics.      5 Do you see that?      6 A I see that. That is a really poor comment.      7 I mean, if he was my student, he would get an F for      8 that comment.      9 Q Why is that?      10 A Why is he assuming there is no incentive      11 for ballot manipulation? There is incentive in every      12 election in the country in the history of the world      13 there is incentive for ballot manipulation.      14 Q And that incentive is?      15 A Somebody wants to win.      16 Q So you would have a reason to commit fraud      17 in every election because somebody wants to win? That      18 is you what said, right? Is that right?      19 A Yes. Yes.      20 Q But where the case is that the democrat is      21 going to win this state based on, you know, the      22 percentage of Democratic voters --      23 A Everybody makes that mistake.      24 Q Why would you manipulate that?      25 A They always look at the top. They are all</p>

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<p style="text-align: right;">Page 229</p> <p>1 the school board races. There is the mayor races. The      2 one we proved in San Joaquin was the city counsel-man.      3 He was stuffing the ballots.</p> <p>4 I hear the same broken record everywhere I      5 go in the country. Dr. Frank, our county is a 70/30      6 conservative county but we just elected four out of four      7 liberal school board members. How can that happen to      8 us?</p> <p>9 Down ballot matters. Kathy Barnette was a      10 down ballot. Everybody thinks it is the top ballot.      11 No, the sheriff matters. The county commissioners      12 matter. There is incentive throughout the entire race      13 at multiple levels. And especially in the small races      14 where the turnouts are low. You only have to stuff a      15 few ballots to tip an election. You might have 500 and      16 it might be close. And you only take a few and you win      17 and you can buy them for nothing. 50 bucks a piece.      18 Why campaign? You can buy them and stuff them? That is      19 how you can hide in a basement and win the election.</p> <p>20 Q Buy the ballots for \$50 a piece; is that      21 what you are saying?</p> <p>22 A Yes.</p> <p>23 Q For this down ballot kind of theory for      24 incentive, wouldn't that be individual scattered      25 incentives across the country for people who want to win</p>	<p style="text-align: right;">Page 231</p> <p>1 races I want to affect and a computer program can do      2 that. It does not take, you know, an army of people to      3 make that happen. That is the power of computer      4 programming.</p> <p>5 Q So the computer program would say, okay, you      6 want someone with these characteristics on the local      7 school board and so we are going to make the ballots      8 come out this way?</p> <p>9 A Exactly. You feed money in through the      10 NGOs which is what 2,000 meals proved is happening.      11 You feed money in so that there is an incentive for      12 local people, homeless people basically and NGOs who      13 want the money, and that is not just me saying that.      14 We have that informal testimony in Wisconsin. That is      15 another one of my -- I forgot to mention it earlier. I      16 testified under oath before the Wisconsin State      17 Legislature on December 8, 2021. I don't remember them      18 all. I do this so much. Forgive me for forgetting      19 them.</p> <p>20 We put into evidence that CTCL was pouring      21 tons of money into that state. That is an example. If      22 you pour tons of money in, then there are all of these      23 natural incentives that make things happen. You don't      24 have to have a conspiracy.</p> <p>25 What I mean to say is, you don't have to</p>
<p style="text-align: right;">Page 230</p> <p>1 their election?</p> <p>2 A That is an assumption you might make, but I      3 would not assume that. I would assume, if I was      4 somebody trying to change the nature of the country, I      5 would start at the school boards or I would just quote      6 Sorrus who said in 2006 he was going to own every      7 Secretary of State in the country by 2020.</p> <p>8 Q So your thought then is that whoever is      9 deciding to use this algorithm to filter that line has      10 looked at the down state, down race ballots to the      11 school board level of every precinct across the country      12 and decided how they want them to come out?</p> <p>13 A That they could.</p> <p>14 Q Do you think -- for you saying that their      15 incentive is there so that is why the states where you      16 would not think it there would be an incentive show it      17 is because of the down ballot races and it is a      18 consistent algorithm that has to be one mastermind      19 deciding for every single election what they want,      20 right?</p> <p>21 A So the nice thing about math and computer      22 programming is once you come up with your formulas, you      23 don't have to think about every situation. You can hit      24 a button and an AI goes and you can say, I want to have      25 this happen nationwide, and these are the kinds of</p>	<p style="text-align: right;">Page 232</p> <p>1 have millions of people or somebody in every county      2 cheating. It sort of naturally takes care of itself.</p> <p>3 Q Okay.</p> <p>4 A That is why I reacted to that first      5 comment. Did you want to go over more bullet points?</p> <p>6 Q I want to go just to the third one which you      7 suggest that these trends were not present in older data      8 when the use of machines and other fraud enabling      9 gadgetry did not exist, assuming 1998 is not officially      10 historic.</p> <p>11 Do you see that?</p> <p>12 A Let us see here. I have done that. I did      13 that in Pennsylvania. I showed data back to 2000.</p> <p>14 Q And that data showed that there was not,      15 that you could not predict every county by one county?</p> <p>16 A Well, that is not quite fair. That is not      17 quite fair. I showed that it was a different shape and      18 you can see the shape grow in this 2016 and 2020 that      19 was not present before that. It was substantially      20 different, and I showed multiple years because the      21 challenge, people always say, well, show me an election      22 that does not have fraud in it? How do you know it      23 does not have fraud in it? How do you know? So that      24 is not a good starting point, is it? Or people will      25 say, you know, show us an election where there is no</p>

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<p style="text-align: right;">Page 233</p> <p>1 machine manipulation.</p> <p>2 I will say, well, get me the data. Okay.</p> <p>3 Find the data. Fat chance finding it. It is really</p> <p>4 tough to get a voter roll from 20 years ago because they</p> <p>5 were not making backups. They call it a living database</p> <p>6 which is always migrating and changing. They don't make</p> <p>7 snapshots.</p> <p>8 Now, since I have been doing this work a lot</p> <p>9 of states have begun making snapshots of their data and</p> <p>10 archiving it, and they were not before because it is</p> <p>11 like, wait a minute, there is voter roll manipulation?</p> <p>12 We should make snapshots.</p> <p>13 Q So is it that you could not do this because</p> <p>14 the data does not exist?</p> <p>15 A Well, find it for me and I would be</p> <p>16 delighted, but it is a lot of work just to find it. I</p> <p>17 tried in Ohio because I am from there and</p> <p>18 unsuccessfully. Working with local clerks is very</p> <p>19 difficult.</p> <p>20 Also, keep in mind not just finding it for</p> <p>21 one county, you have to find it for the whole state</p> <p>22 because you are comparing all the counties. It is not a</p> <p>23 trivial request.</p> <p>24 Q That analysis that you did do in</p> <p>25 Pennsylvania, you said the shape started to change --</p>	<p style="text-align: right;">Page 235</p> <p>1 voter rolls that did not vote. It is weird that you</p> <p>2 inflate your voter rolls by ten percent and then years</p> <p>3 after they phased them in gradually and that is</p> <p>4 suspicious.</p> <p>5 Q So you are suspicious of the elections going</p> <p>6 back to 1996?</p> <p>7 A Yes. And I can, and maybe this is the</p> <p>8 wrong time to discuss it, but I can give you a long</p> <p>9 discussion where I have sat with senior officials in</p> <p>10 states, for example, Missouri and they have explained</p> <p>11 to me, yes, ballot stuffing has been going on here for</p> <p>12 decades.</p> <p>13 I can tell you a story about the 1950s and</p> <p>14 when St. Louis was competing with these. They were</p> <p>15 committing, who can stuff more and the unions were</p> <p>16 fighting. I mean, ballot stuffing is as old as it gets.</p> <p>17 It is an old mechanism. Electronics has just made it</p> <p>18 easier because now, you know, where you are standing and</p> <p>19 you don't have to park somebody in the parking lot.</p> <p>20 Q Okay. Let us change gears a little bit. Is</p> <p>21 everyone good?</p> <p>22 So I want to talk about your income stream,</p> <p>23 your payments from Mr. Lindell and others related to the</p> <p>24 work that you are doing.</p> <p>25 It is true at some point in time Mr. Lindell</p>
<p style="text-align: right;">Page 234</p> <p>1 A Yes.</p> <p>2 Q -- in 2016.</p> <p>3 Did you look at in 2016 that your numbers</p> <p>4 from one country can predict the numbers across the</p> <p>5 state?</p> <p>6 A I only had one county for every election</p> <p>7 back in 1990 so I could not compare it to other</p> <p>8 counties. Does that make sense? It is exactly</p> <p>9 illustrating the point I am making right now.</p> <p>10 Q Which is the data is not there?</p> <p>11 A Yes. How do you find the data? Find me</p> <p>12 the data and I would be delighted to, but nobody seems</p> <p>13 to have it. Especially the clerks, they do not like to</p> <p>14 give it to you either.</p> <p>15 Q In your opinion then would you expect not to</p> <p>16 find that one county can predict the other county as in</p> <p>17 the 2016 election?</p> <p>18 A No, I would expect it to work in 2016. One</p> <p>19 of the advantages of looking at the historic records in</p> <p>20 Pennsylvania, which I did, is I was able to look at</p> <p>21 all, for all history, and I show this in my current</p> <p>22 presentation, for all history I can show the voter</p> <p>23 rolls for Montgomery County which I had all the way</p> <p>24 back to 1900. I could show there was funny business in</p> <p>25 1996, an extra ten percent of people were added to the</p>	<p style="text-align: right;">Page 236</p> <p>1 began to pay you for the work that you are performing</p> <p>2 relating to election analysis?</p> <p>3 A I would want to define that more carefully.</p> <p>4 When I first started working, remember when he first</p> <p>5 invited me, I did not know what I was getting into. I</p> <p>6 never met the guy. I was afraid of getting sued. I</p> <p>7 was afraid of all kinds of things.</p> <p>8 So I wrote a one-page -- I don't know if I</p> <p>9 sent it to you. I tried to find it, if I did send it to</p> <p>10 you, a one-page contract that I wanted with him where I</p> <p>11 said, you know, if I am sued, you got to pay for my</p> <p>12 attorneys.</p> <p>13 And I proposed a rate per hour if I testify</p> <p>14 and because I have done testimony before as an expert</p> <p>15 witness. I know what to expect. \$200 for my normal</p> <p>16 hourly rate and \$400 if I am in person or court or</p> <p>17 whatever it was. It was something like that. I tried</p> <p>18 to find that letter for you, unsuccessfully. But maybe</p> <p>19 I did find it. I don't remember if I found it.</p> <p>20 Q I don't believe so. We have not seen it?</p> <p>21 A Anyway, he sent me a retainer immediately</p> <p>22 after that. I think it was \$30,000. Okay. He sent me</p> <p>23 a retainer. I never sent him a bill against that. So</p> <p>24 that, that is certainly -- I already mentioned the</p> <p>25 situation with Kathy Barnette and she gave me the 5k.</p>

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<p style="text-align: right;">Page 237</p> <p>1 Q Just pause for a second.      2 A I am sorry. I am supposed to let you ask      3 the questions. Somebody coached me properly. I just      4 did not listen.      5 MR. GREENE: Let him ask the question and      6 then you answer.      7 (Exhibit 114 was marked.)      8 Q (BY MR. FREY) So I am going to have the      9 court reporter mark as Exhibit 114 this document. This      10 document you did produce as D_Frank00157.      11 A Yup. I provided that to you.      12 Q Right. So this is, like an IRS filing for      13 nonemployee compensation, right?      14 A Yes.      15 Q Okay. And it shows Lindell Management, LLC      16 paid you \$30,000 in nonemployee compensation in 2021,      17 right?      18 A Right.      19 Q And, in fact, you received that \$30,000      20 payment in 2021?      21 A I did.      22 Q Did you receive it in a lump sum?      23 A Yes.      24 Q And you said that was very shortly after you      25 started kind of working with him in late February, early</p>	<p style="text-align: right;">Page 239</p> <p>1 A When my YouTube channel got taken down, he      2 sent me some money for that. I don't remember how much      3 it was. It was more than \$30,000. I think tens of      4 thousands because I was making three or \$4,000 a month      5 on my YouTube channel and he felt bad that it got taken      6 down. He said here.      7 Q More than \$30,000 you think?      8 A I think.      9 Q More than \$50,000?      10 A No.      11 Q Somewhere between 30 and 50?      12 A Yes.      13 Q And that was -- was that when your YouTube      14 channel got taken down -- I apologize. I don't know the      15 date of that, when was that?      16 A Soon after he made the movie.      17 Q Okay.      18 A What he was doing he announced publicly to      19 everybody. He said, if you lose your channel because      20 of this, you know, I will pay you. He even said it in      21 public.      22 When it happened to me, he just did it. He      23 was doing that to a lot of people. It is a gift. It is      24 not really compensation. So that is why I did not like      25 the question. It is not really compensation. It is</p>
<p style="text-align: right;">Page 238</p> <p>1 March of 2021?</p> <p>2 A Yes. Yes. It would have been about April.</p> <p>3 Q Okay.</p> <p>4 THE COURT REPORTER: Can we go stop for a      5 second? My computer froze for some reason. If we can      6 go off the record.</p> <p>7 MR. FREY: Yes. Let us go off the record.</p> <p>8 THE VIDEOGRAPHER: The time is 3:26 p.m. We      9 are now off the record.</p> <p>10 (Recess was taken.)</p> <p>11 THE VIDEOGRAPHER: The time is 3:26 p.m. We      12 are back on the record.</p> <p>13 Q Dr. Frank, we just talked about the \$30,000      14 payment you received from Lindell Management, LLC.</p> <p>15 Did you receive any additional monetary      16 compensation in 2021 from Lindell Management, LLC?</p> <p>17 A Not that I recall.</p> <p>18 Q Did you ever receive any compensation that      19 was like actually on the paystub from MyPillow, Inc.?</p> <p>20 A No.</p> <p>21 Q Did you ever receive any compensation,      22 monetary compensation from Mr. Lindell directly, like      23 not through the Lindell Management, LLC?</p> <p>24 A He gave me a gift one time.</p> <p>25 Q What was that?</p>	<p style="text-align: right;">Page 240</p> <p>1 sort of like he is saying it is a gift. Let me help      2 you. That is different than compensation, I think.</p> <p>3 Q But it is however you want to define it.</p> <p>4 A Yes. Yes.</p> <p>5 Q It is money that Lindell provided to you?</p> <p>6 A Yes, he gave it to me, I think, friend to      7 friend.</p> <p>8 Q Okay.</p> <p>9 A It is a gift.</p> <p>10 Q Anything other than that one, let us call it      11 a gift, when your YouTube channel got taken down, any      12 other circumstances like that where Mr. Lindell gave you      13 money?</p> <p>14 A I never lie.</p> <p>15 Q That is good because you are under oath.</p> <p>16 A It is one of the big ten. I always tell my      17 sons, if you feel a lie about to form on your mouth,      18 stop moving it.</p> <p>19 Yes, when we did the movie, we were in that      20 studio in Memphis, and the night after we finished all      21 the filming he sat down at the table and he signed one      22 of his books over to me and he gave me a check. I think      23 it was like 5,000 bucks or something like that. I was      24 not expecting that. That was right out of the blue. I      25 did not go there to get paid. I was not expecting to</p>

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1 get paid. I had already got the thing in place. 2 So that was a gift from him and he said so. 3 He gave it to me. This is a gift. 4 Q Okay. 5 A If I give you a gift, that is not necessarily compensation, but I understand you are exploring that now so I am trying to honest. 6 Q I appreciate that. Any other times where 7 Mr. Lindell gave you a gift of money? 8 A Not that I can recall. 9 Q What about nonmonetary compensation, did he ever give you gifts, you know, items? 10 A He gave me the book. 11 Q The book. Anything else? 12 A No. In fact, I paid for all of my pillows and my own slippers and everything. 13 Q Did he provide for your transportation when you were doing work for him? 14 A Yes. Like when you always do for speakers, you compensate for travel expenses and he pays for the hotel rooms for his speakers and things like that, yes. 15 Q And is that when you came to appear on the Cyber Symposium, Scientific Proof and also when you travel around to different states? 16 A When he sends me to events, yes. We have	1 time. 2 Q Have there been any, in 2022 or 2023, any additional retainer payments related to the work that you are doing? 3 A No retainers, no. 4 Q No lump sum payments? 5 A He sent me some more last year. 6 Q How much? 7 A I did not ask for it. 8 Q How much did he send you last year? 9 A I hate these questions, but I have to answer them. He sent me 100k last year. 10 Q When was that? 11 A June. 12 Q And when he sent you the 100k -- 13 A That was the same as this. 14 Q Okay. The same as this Lindell Management, LLC? 15 A Yes. 16 Q At that time did you have a conversation with him about the payment? 17 A What happened is, when I did my taxes in 2021 and brought this out, I thought, that was nice having help. So I called Mike and I said, hi, Mike. 18 Q Do you want to do that again this year? He said, yes.
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1 an event coming up and I am sure that he is going to purchase a bank of hotel rooms. And I am sure that I will be in one of them, but he has not promised that yet. If I end up paying for myself, I will. Likely he will be providing that. 2 Q And aside from the travel compensation or the travel facilitation with the transportation and the hotel arrangements, is there any work that you do where you get X amount of dollars to go do this? 3 A No. 4 Q Like \$5,000 to go speak -- 5 A No. In fact, I make a big point of that in public to separate me from a lot of people that are out there. I say, I do not charge for any of the work that I do, and they pass a hat to pay for my plane tickets. 6 Q Did Mr. Lindell, when he gave you the \$30,000 retainer, did he specify like the work that he wanted you to do under that retainer to kind of fulfill your end of the engagement? 7 A I negotiated that with Kurt, not with Mr. Lindell and Kurt was assuming that I would be analyzing states and testifying potentially in some of the lawsuits. So I assumed that is what it was for. I never sent him a bill, and I way exceeded the amount that that would have covered in terms of my personal	1 That was our conversation. 2 And then this June I got a big check and it was for a lot more than that. I sent him a nice thank you note. I said, I did not expect that. Thank you very much. 3 Q Okay. And so that was June of 2022, right? 4 A Yes. 5 Q And so now we are in July of 2023. 6 Q Has there been another payment like that? 7 A No. Nothing. Zero. 8 Q And he did not specify any particular work that he wanted you to do to receive the payments you said, right, it is just a general? 9 A No. And the way that I have viewed it, and I think that the way that he is viewing this enables me to do what I am doing traveling the country and doing what I am doing. I have given up my job. I have given up my income. So he is sort of covering for me, yes. 10 Q (Exhibit 115 and Exhibit 116 were marked.) 11 Q (BY MR. FREY) I want to look really quickly at another exhibit. 12 A Yes. This is when we were flying around together. 13 MR. GREENE: Just one second. Wait until he

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<p>1 asks you a question.</p> <p>2 THE WITNESS: I am sorry.</p> <p>3 Q And this is an email chain from mid</p> <p>4 September 2021 with a Bates stamp DEF017621.00001. I</p> <p>5 will represent to you this was produced to us by counsel</p> <p>6 from Mr. Lindell.</p> <p>7 A Sure.</p> <p>8 Q Do you recognize this email?</p> <p>9 A I have never seen it, but it looks like I</p> <p>10 should have.</p> <p>11 Q You see that you were on it, correct?</p> <p>12 A Yes. Because I see it there, yes.</p> <p>13 Q Okay. And do you see that you, yourself, J.</p> <p>14 Rosenthal and Mr. Lindell, right?</p> <p>15 A Who is that?</p> <p>16 Q That was going to be a question for you. If</p> <p>17 you know who --</p> <p>18 A I don't know who that is.</p> <p>19 Q -- if you know who Jeff Rosenthal is?</p> <p>20 A I don't know who that is.</p> <p>21 Q Do you see in the middle of the first page</p> <p>22 there Mr. Rosenthal writes, Dr. Frank, below are the</p> <p>23 communications that I am having with the NE SOS office.</p> <p>24 I was told by Ben and in the SOS election office that</p> <p>25 you were invited to Nebraska and turned down the</p>	<p>1 Mr. Lindell's email.</p> <p>2 A Right.</p> <p>3 Q Where he says, Hello, Jeff. Dr. Frank is on</p> <p>4 my payroll and he would not turn down any state. He</p> <p>5 goes on to talk about states that you have met and he</p> <p>6 says, we would love to meet with Nebraska.</p> <p>7 Do you see that?</p> <p>8 A Yes.</p> <p>9 Q Would you consider yourself "on</p> <p>10 Mr. Lindell's payroll"?</p> <p>11 A Wow, no. This even says nonemployee</p> <p>12 compensation. I have never considered myself on his</p> <p>13 payroll.</p> <p>14 Q Okay. So you do not consider yourself on</p> <p>15 his payroll today?</p> <p>16 A No, absolutely not.</p> <p>17 Q Okay. Would you have considered going</p> <p>18 around to meet with Secretaries of State or legislatures</p> <p>19 to be kind of a term of the payments you were receiving</p> <p>20 from Mr. Lindell?</p> <p>21 A I never thought of it as payment for</p> <p>22 services. I always thought of it as him enabling me to</p> <p>23 do the work that I do. I think him saying Dr. Frank is</p> <p>24 on my payroll is him just, I don't think that is</p> <p>25 technically -- I would give him the benefit of the</p>
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<p>1 invitation. I have my doubts.</p> <p>2 Do you see that?</p> <p>3 A Yes.</p> <p>4 Q Do you recall interactions with the Nebraska</p> <p>5 Secretary of State's Office?</p> <p>6 A Absolutely.</p> <p>7 Q Do you recall the circumstance where they</p> <p>8 reached out to you and you had not --</p> <p>9 A No. In fact, I was there and I offered to</p> <p>10 meet with them on multiple occasions and he would never</p> <p>11 meet with me. I was in person in the building knocking</p> <p>12 on his door.</p> <p>13 Q But he was not taking the meeting, not the</p> <p>14 other way around?</p> <p>15 A Wait a minute. Is Rosenthal the deputy?</p> <p>16 Is he the Deputy Secretary of State?</p> <p>17 Q I don't know.</p> <p>18 A Because I met with the Deputy Secretary of</p> <p>19 State and I am wondering if that is him.</p> <p>20 Q No. This email here --</p> <p>21 A I don't remember. I don't know who it is.</p> <p>22 Q Okay. That is fine.</p> <p>23 A I am sorry. I tried to figure it out for</p> <p>24 you but I --</p> <p>25 Q That is okay. I just want to look at</p>	<p>1 doubt because I have never been on his payroll.</p> <p>2 So he probably just being sloppy in his</p> <p>3 terminology. He is probably saying, hey, I know him</p> <p>4 well. I have given him money. He would not turn down</p> <p>5 any state.</p> <p>6 Q That is how you interpret that?</p> <p>7 A That is my interpretation because,</p> <p>8 obviously, I am not on his payroll. If I was on his</p> <p>9 payroll, you would have all my W-4 or W-2 forms which I</p> <p>10 do not have.</p> <p>11 Q Okay. Okay. We will talk a little bit more</p> <p>12 about other state visits here in a few minutes. But my</p> <p>13 understanding from you is that there is no kind of</p> <p>14 written agreement or even solidified oral agreement that</p> <p>15 I am going visit Wyoming, I am going to visit Nebraska,</p> <p>16 I am going to visit Michigan and that is kind of why you</p> <p>17 have given me these statements?</p> <p>18 A No connection. I am a separate entity from</p> <p>19 Mike Lindell.</p> <p>20 Q Okay.</p> <p>21 A I do everything that I do on my own. Now,</p> <p>22 that does not mean that I do not cooperate with him.</p> <p>23 When he calls me and says, Doug, will you look at that</p> <p>24 for me? Absolutely.</p> <p>25 If I ask him to do something, he would do</p>

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<p>1 something for me too. In Southern California I asked      2 him to Zoom in and he does. I did not pay him for that.      3 We are friends.</p> <p>4 Q Okay. So aside from Mr. Lindell and Lindell      5 Management, have you received monetary compensation from      6 any other sources in connection with the election      7 analysis work you have been performing?</p> <p>8 A I got a donation from a church last year,      9 \$5,000 a Southern California church. They loved what I      10 was doing. They gave me a donation.</p> <p>11 Q Any other sources? I believe earlier you      12 said Kathy Barnette was \$5,000?</p> <p>13 A Yes. I asked for \$2,500, and then later      14 she gave me \$5,000 and said, well, we paid the other      15 analyst 5k so I felt like you did so much more than the      16 other, I felt like I had to give that to you. I did      17 not ask for it. I was volunteering.</p> <p>18 Q How about in connection with the Antrim      19 case, were you compensated for that?</p> <p>20 A Nothing.</p> <p>21 Q You mentioned the case in Oregon where they      22 used your --</p> <p>23 A Nothing. They reimbursed me for my plane      24 tickets.</p> <p>25 Q No other sources of compensation in</p>	<p>1 with his elections.</p> <p>2 Q How did you first come to know him, Keith      3 Center?</p> <p>4 A I don't remember, but I was invited to be a      5 speaker at one of their events and I met him there.</p> <p>6 Q Okay. In this first chain here, the first      7 message on this chain, he says, Essentially that we had      8 a failed meeting with Surry County, North Carolina      9 commissioners.</p> <p>10 Do you see that?</p> <p>11 A Yes.</p> <p>12 Q Can you guys look into this and help us      13 develop a plan of action to go forward. Right?</p> <p>14 A I am reading that.</p> <p>15 Q Okay. And you responded then about four      16 minutes later, you said, Sue them for their surety bonds      17 for starters.</p> <p>18 Did I read that right?</p> <p>19 A Yes.</p> <p>20 Q And then a couple of texts later you say,      21 you put a link bondsforthewin.com.</p> <p>22 Do you see that?</p> <p>23 A Yes.</p> <p>24 Q What is bondsforthewin.com?</p> <p>25 A It is a website that teaches people how to</p>
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<p>1 connection with the work that you did?</p> <p>2 A No.</p> <p>3 Q You said one donation from a Southern      4 California church?</p> <p>5 A Yes, 5k. I had to put it on my taxes.</p> <p>6 Q Okay. All right. I want to look at one      7 other text chain that is kind of on this. This is going      8 to be a Exhibit 16. It is a string text messages with a      9 Bates label DEF121397.0001. This was produced by      10 Mr. Lindell.</p> <p>11 Do you see that document?</p> <p>12 A Yes.</p> <p>13 Q Do you see your name there at the top, Doug      14 frank?</p> <p>15 A I do.</p> <p>16 Q Okay. Is that you? Is that your phone      17 number?</p> <p>18 A Yes, it is.</p> <p>19 Q Do you recall -- this is from May 18, 2022,      20 so just over a year ago.</p> <p>21 Do you recall communicating with a Keith      22 Center about Surry County, North Carolina?</p> <p>23 A I do.</p> <p>24 Q Who is Keith Center?</p> <p>25 A He is a local grassroots guy who is unhappy</p>	<p>1 sue their county officials for their surety bonds and      2 it had some degree of success around the country. It      3 empowers citizens whose county officials are not      4 performing the way that they want.</p> <p>5 Q If you go to the next page, about four down,      6 you say, No money needed for suit. Read the link I gave      7 you. By the way, if you win, you get to keep the bond      8 money.</p> <p>9 Do you see that?</p> <p>10 A Yes.</p> <p>11 Q Why did you tell Mr. Center that he got to      12 keep the bond money?</p> <p>13 A Because he is suing pro se a county      14 official. If he wins the lawsuit, he gets the money      15 and they are typically \$100,000 for a county clerk and      16 maybe ten or \$20,000 for commissioners.</p> <p>17 Q So he would get the money from that?</p> <p>18 A Yes. For a frivolous case it is not a      19 smart idea. If you have a good case, sue them and get      20 the money.</p> <p>21 Q And then at 11:13 Mr. Center responds, he      22 says, If we get an event location, would you guys agree      23 to come and stoke the fire?</p> <p>24 Do you see that?</p> <p>25 A Yes.</p>

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1 Q And you said, you know, we are in if 2 feasible. Work with Michelle on this, right? 3 A Yes. 4 Q Who is the "we"? Is that you and 5 Mr. Lindell? 6 A No, I never commit Mike. 7 Q Okay. So just other people on your team? 8 A In the grassroots, yes. 9 Q And who is Michelle? 10 A Michelle is, was my planner for about -- 11 she continues to be my planner. 12 Q So she works for you? 13 A She does not work. I do not pay her 14 anything. I offered to pay her and she said, if you 15 pay me, then I have to do what you say. So I am just 16 going to volunteer. She has been volunteering for me 17 since the beginning. 18 Q So she is not associated with Mr. Lindell or 19 Lindell Management, she is more associated with you; is 20 that right? 21 A She has been volunteering for me forever, 22 ever since the Cyber Symposium. 23 Q Okay. If you go to the -- 24 A She got my hotel reservation last night 25 that I stayed in in Colorado Springs. She organized	1 A No. 2 Q So based on these payments and who they came 3 from, are you familiar with Lindell Management, Lindell 4 Management, LLC? 5 A They are the ones who cut checks to me. 6 Q What is -- do you have an understanding of 7 the purpose behind Lindell Management, LLC? 8 A No. 9 Q Do you know who the officers are? 10 A No. 11 Q Are you familiar with any Lindell Management 12 employees? 13 A Maybe. Since I don't know what it is, I 14 might know some of the people. 15 Q But you don't know anyone by, oh, they work 16 for Lindell Management, LLC? 17 A No. 18 Q Okay. You are familiar with an entity 19 called MyPillow? 20 A Right. 21 Q Do you work with any employees of MyPillow? 22 A No. 23 Q Are you familiar with an entity called 24 FrankSpeech? 25 A Yes.
1 that for me. That tells you who she is. 2 Q Okay. If you go to the fourth page that has 3 .004 in the corner. And at the bottom Mr. Center text 4 and says, Quick question. Can we have folk pay directly 5 the Lindell legal fund and it be designated for legal 6 bills related to CVR's in NC? 7 Do you see that at the top of that text? 8 A I do. 9 Q What are CVR's? 10 A Cast vote records. 11 Q And who would be -- why would they be making 12 payments to the Lindell legal fund? 13 A I get this question all of the time. 14 People say, we want to support Mike but we want the 15 money to go to support our county. Can we designate 16 our donations so that they are used through the Lindell 17 legal fund here? We say no. 18 Q Okay. So if people give to the Lindell 19 legal fund, it just kind of goes into the lawsuits 20 generally? 21 A It gets disbursed as however they deem. I 22 have no idea. 23 Q You anticipated my question. 24 Do you know how the Lindell legal fund is 25 being spent?	1 Q Have you ever been employed or received 2 compensation from FrankSpeech? 3 A No. 4 Q FrankSpeech is an internet based platform, 5 right? 6 A Yes. 7 Q Do you know when it was officially launched 8 for public viewing? 9 A Yes, I was there. 10 Q When was that? 11 A I want to say, best memory, about April of 12 2021. 13 Q Okay. And so you were there at the launch? 14 A Yes. 15 Q Tell me about that day. What was the 16 launch? Like who was there? 17 A There were Ash and Holly and Sean and Conan 18 and Kurt and a bunch of grassroots people. 19 Q I was going to stop you for a second. 20 Who is Ash? 21 A Ash, at FrankSpeech they were launching 22 Cause of America. They were featuring Cause of 23 America. Ash was one of the officers, one of the 24 employees of Cause of America. I don't remember her 25 last name. I am sorry. Holly was one of them too.

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1 Q Both at Cause for America?	1 Q Did you or do you recognize this?
2 A Yes, of America.	2 A Yes, I created it.
3 Q Cause of America. I apologize.	3 Q Okay. Next question was, did you create
4 Sean you said?	4 this? So thank you.
5 A Sean Smith.	5 When did you create this document?
6 Q Sean Smith. Okay. And Kurt would be Kurt	6 A For the discovery.
7 Olsen?	7 Q So you created this for the purposes of
8 A Yes.	8 discovery?
9 Q And then you said a bunch of grassroots	9 A I made this document because you requested
10 people?	10 it in the subpoena.
11 A Well, I was characterizing that group.	11 Q We requested you to create a document?
12 There might have been, if I sat down and really thought	12 A No. How do you describe this? I was
13 hard, I could probably remember more people. The way	13 supposed to provide -- I am trying to remember -- I am
14 to find out is to look at the broadcast from that day	14 shady on this. I was supposed to provide the data
15 because Mike was trying to have a continuous stream of	15 related to your county.
16 guests, and you can see them one after another.	16 Q Data that was already in your custody,
17 Q Have you ever worked on any projects	17 possession or control?
18 specifically related to FrankSpeech?	18 A Right. So I -- I mean, my computer is full
19 A I don't know what that means.	19 of data from other states. So I pulled this out to
20 Q So you probably appeared on FrankSpeech,	20 give you the part that was requested.
21 right?	21 Q So you already had data on your computer?
22 A Yes.	22 A Yes.
23 Q Have you ever helped develop the	23 Q And then you went and found it when you got
24 programming, who else will speak?	24 our subpoena and said here is the --
25 A No. I send them guests, yes. I send them	25 A Here is what you are asking for.
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1 ideas. I don't have any control. I will say, hey,	1 Q The LA county data.
2 here is a really good interview. Brandon, Brandon	2 A I did my best to answer what you asked for.
3 Howse let us say. I will say, check out this person.	3 Q You did not actually go get this data?
4 This is a great interview and I will make a	4 A I already had it.
5 recommendation.	5 Q Okay. That is what I was asking.
6 Q Okay. Okay.	6 Why did you have this? Like why had you
7 Are you still good to keep going?	7 gone and got this data?
8 A I am good.	8 A Because I am requested to help grassroots
9 MR. GREENE: I am the wrong person to ask.	9 teams all over country, including LA, and I have the
10 I am fine to keep going.	10 data for California and I had done every precinct in
11 (Exhibit 117 was marked.)	11 California. And so when I was asked about this, I
12 Q (BY MR. FREY) I want to talk to you about a	12 brought those data out and gave them to you.
13 couple of documents that were in your production that	13 Q Okay. Okay. So the provisional Xcel
14 you made to Smartmatic. Both of these are a little	14 spreadsheet, there are tabs, there are different tabs at
15 difficult in the sense that one is a big Excel file and	15 the bottom?
16 one is a video file.	16 A Yes.
17 So the first one which will be marked as	17 Q The first tab, which is actually page 1 out
18 Exhibit 117 is a document that was produced with a Bates	18 of 144 of this PDF, is labeled precincts. So I want to
19 Stamp D_10.0001. We have a hard copy, right?	19 focus on that to start.
20 MR. GREENE: Is this the Excel file?	20 And at the far left column is the title
21 Q Yes. So this was a large Xcel. So we did	21 registrations. Do you see that?
22 our best to print it to PDF. But you see at the top	22 A Yes.
23 here it says Los Angeles, Registrants and the number of	23 Q On page 1. That number starts at 18?
24 voters? Do you see that?	24 A Right.
25 A Yes.	25 Q Do you know why the number started at 18?

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1 A That is age. 2 Q Okay. And so then across the columns, I 3 guess you just have the number of registrations in each 4 precinct for each age level? 5 A Acton has 64 18 year olds registered. The 6 registrations are for these counties, and I could have 7 added age as a double header. The problem with the 8 table is how do you put the label for that column and 9 the label for that column in the same cell. 10 Q I am just trying to understand. 11 A Yes. Yes. 12 Q So this is age and this is the number of 13 registrations per each, and then across the top those 14 are precincts? 15 A Yes. 16 Q Okay. And you got this data from LA County; 17 that right? 18 A No, I got it from the Secretary of State. 19 Q And did the Secretary of State give it to 20 you in this format or did you input the values? 21 A I wrote software that does this. 22 Q Okay. So you wrote software that takes from 23 the data that they provided? 24 A That is a humongous set. I want to know 25 how many there are of this. The software goes through	1 Q Okay. 2 If we go to page 145, we get to the next 3 what would be tab on the Xcel spreadsheet. This tab is 4 called correlate turnout and party. 5 Do you see that at the bottom there? 6 A Yes. 7 Q Okay. And then the precincts are listed 8 again on the left, right? 9 A Yes. 10 Q And then there is a bunch of columns over to 11 the right. 12 And so what are the first kind of three 13 columns under party affiliation register, what do those 14 show? 15 A So the first precinct, Axton, has 3,098 16 Republicans who registered. 1,361 Democrats registered 17 and 1521 who are not specific for identification as 18 either Republican or Democrat as registered. The next 19 three are how many of those Republics, Democrats or 20 nonaffiliated voted for Axton. 21 Q The numbers at the top across the, above the 22 red text, above party affiliation registers, is that the 23 total? 24 A For those columns, yes. 25 Q Okay. And then under percent turnout, did
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1 the big database and goes through it and counts them up 2 and puts them in. 3 Q Okay. Okay. 4 So then if we go to page 65. I am sorry. 5 Back up one second. It says ballots in the middle of 6 the page. 7 A Yes. 8 Q And so, and then again we have numbers 18 9 to -- 10 A It should be 110 or 120. 11 Q Is that -- 12 A 120. 13 Q Is that the number of -- then you have the 14 precincts going across? 15 A Yes. 16 Q Is that the number of ballots cast in each 17 precinct by age? 18 A Yes. 19 Q And then, again, did you just take this data 20 from the Secretary of State website? 21 A Yes. 22 Q And have the software inputted? 23 A Not the website. 24 Q Or the Secretary of State's data? 25 A Database that they gave me.	1 you run a calculation to get those numbers under R, D, 2 none and overall? 3 A Those look to me like they are a 4 consequence of 757,191 divided by 970,519. 5 Q And then going down by each precinct is just 6 taking that -- 7 A Those top numbers are separate from the 8 rest of the table. 9 Q Those top numbers are, right? 10 A Yes. 11 Q And underneath the columns R, D and none? 12 A Yes. 13 Q The third set of R, D and none, I guess I 14 should say? 15 A Yes. 16 Q Starts with .86, .79, .73? 17 A Yes. 18 Q Those are the percentages of turnout by 19 Republicans, Democrats and unaffiliated for each 20 precinct? 21 A Yes. 22 Q And then overall would be the overall 23 turnout? 24 A Yes. 25 Q And then how about the next column to the

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1 right, the total registrants? 2 A It looks to me like the sum of the first 3 three columns. 4 Q I see. 5 A And then because three, four, five, 58, 59, 6 it should be close. Yes, that is it. 7 Q Okay. And then total ballots is probably 8 the sum of the next three columns? 9 A Correct. 10 Q And how about D/R? 11 A Democrats over Republicans. 12 Q Okay. And then -- 13 A So that would have been 1,361 divided by 14 3,098 and that looks just about right. 15 Q U/that would probably be unaffiliated over 16 Republicans? 17 A Yes, that is about right. It is about 50 18 percent. 19 Q One other question back on the registration 20 data. On page 65, if you go there, there is a lot of 21 zeros coming down for ages 100 to 119. In 120 there is 22 a bunch of numbers again. 23 Do you know what that might be? 24 A Yes. If there is no birthday given or no 25 birth year given, I just accumulate them there. That	1 had left that out. 2 Q Right. Right. Okay. All right. 3 Then the last thing on these pages are on 4 pages 151 to 153? 5 A Yes. 6 Q These are three kind of graphs? 7 A Yes. 8 Q The first being Republican ballots versus 9 Republican registrants? 10 A Yes. 11 Q What is this graph showing? 12 A The X axis shows the number of registered 13 Republicans -- I will back up. Every blue dot in the 14 graph represents one precinct. 15 Q Okay. Every little blue dot. 16 A Every blue dot is one precinct. 17 Q Okay. 18 A The X axis is how many people were 19 registered in that precinct. So, for example, the blue 20 dot in the upper-right corner looks like it has about 21 28,000 people registered who are Republicans in that 22 precinct. And then how many of those voted, it looks 23 like about 21,000 of them. 24 Q Looking at the top blue dot all the way -- 25 A Yes.
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1 way I don't lose my ability to reconcile the totals. 2 It also gives you an idea of what is going on in that 3 county and that is not -- this is an area that I 4 constantly complain to other people about. They will 5 say, we have 187people that are 120 years old in our 6 county. I am like, no. That is zero. January 1, 1900 7 is zero. So, guess what, anybody who has a zero for 8 their birthday is going to show up as 120 years old. 9 That means that they did not put in a birth date or 10 there is something defective about it or a lot of the 11 counties have witness protection programs to protect 12 wife abuse and things like that and they do not put in 13 the birth date. It basically give me an idea what that 14 is. 15 Q Okay. I have, on page 147, starting with La 16 Mirada precinct, there is no data in the percent 17 turnout? 18 A That is just a mistake. 19 Q Okay. 20 A Because you have a big county. This is my 21 exploration page. This is where I go looking for 22 stuff. All I would have needed to do is drag down and 23 I could have filled that out but I didn't which means 24 it tells you how useful this page was to me at the 25 time. Not very, because I would have discovered that I	1 Q -- to the right. You are saying it is 2 28,000. Then you have other bigger blue dots down on 3 the left? 4 A They are all the same size. It is just 5 that sometimes there are some precincts that are all 6 lumped together. This is a raw form of this graph. I 7 probably would show this in public, but then I would 8 also zoom in so you can see the smaller because, 9 obviously, there is one outstanding precinct and it 10 dwarfs all the others. I would have changed the X axis 11 to zoom in. This is just my raw. I gave you my 12 worksheet. 13 Q I was going to say, the next two, other 14 ballots versus other registrants and Democrats, it looks 15 like the same thing, right? 16 A Yes. 17 Q And did you do anything with this? 18 Has this been part of any your analyses to 19 date? You got all of the data here. You have these 20 graphs, but it sounds like, based on the fact that you 21 did not fill out the rest of some of these in registrant 22 or correlate it to turnout party, you did not zoom in on 23 the graphs? 24 A At the time I made this I had not been in 25 LA yet.

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<p>1 Q Since the time that you made this?</p> <p>2 A At the time I made it. So I didn't -- now,</p> <p>3 I am going to qualify that. I may be wrong. I have</p> <p>4 only recently been to LA County a couple of times, and</p> <p>5 tend to spend my time where I am going. So I analyze</p> <p>6 data where I am going. And I have since been to LA and</p> <p>7 I would have fixed these graphs.</p> <p>8 Q Okay. Have you used the updated version of</p> <p>9 this externally at this point?</p> <p>10 A Only in public talks.</p> <p>11 Q In public talks, okay.</p> <p>12 And are those talks that you have been</p> <p>13 invited to by citizens?</p> <p>14 A Yes.</p> <p>15 Q Want citizen group is that?</p> <p>16 A Several. When I first went to California</p> <p>17 last year, it was New State California, and then we</p> <p>18 parted ways.</p> <p>19 And then it was Republican party. The</p> <p>20 California Republican Assembly. G3 it is called. Gods,</p> <p>21 Guns and Government. They are a conservative group.</p> <p>22 People that are affiliated that have linked up</p> <p>23 nationally with Cause of America have invited me in.</p> <p>24 Q And when you show this spreadsheet and these</p> <p>25 graphs --</p>	<p>1 the Moment of Truth last year. In fact, I featured my</p> <p>2 California analysis, because I had just finished every</p> <p>3 precinct in California and I focused mostly on Placer</p> <p>4 County, but I believe I showed LA as a counter-example,</p> <p>5 as an example within the presentation. So you can</p> <p>6 watch that and see if I did. I believe that I did.</p> <p>7 Q I will request again of you and your</p> <p>8 counsel, if you do have an updated version of this, that</p> <p>9 you produce that to us. The subpoena is kind of like an</p> <p>10 ongoing, you know, request so to speak. If you come</p> <p>11 into possession of these documents, we still ask that</p> <p>12 you produce them.</p> <p>13 A Yes. That is tricky because they are</p> <p>14 always changing. It depends on what I am doing when.</p> <p>15 So I don't know what state I am in, right. I just gave</p> <p>16 you what I had at the time.</p> <p>17 Q It looks like at the time this was</p> <p>18 January 19, 2023 if you look at the graph?</p> <p>19 A I bet that is when I delivered my discovery</p> <p>20 to you. I mean my -- I bet that is because I date them</p> <p>21 automatically so I know what I do when.</p> <p>22 Q So you compiled this or you got this from</p> <p>23 your files then to produce it in discovery?</p> <p>24 A Yes.</p> <p>25 Q Since then have you done more with this?</p>
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<p>1 A Yes.</p> <p>2 Q -- what is your message? What are</p> <p>3 communicating about what these show?</p> <p>4 A Well, if I were talking about this today</p> <p>5 with you, if I remember correctly, I would have to go</p> <p>6 research to make sure that I am right, if I remember</p> <p>7 right, when I zoom in on this so the X axis is expanded</p> <p>8 so you can see all the rest of the precincts, LA</p> <p>9 behaves very similarly to Placer County. You can</p> <p>10 predict very accurately, within, you know, close to the</p> <p>11 line the number of Republicans who vote in every</p> <p>12 precinct. If you know how many are registered, you</p> <p>13 know how many voted. If you know how many Democrats</p> <p>14 are registered, you know how many voted. If you know</p> <p>15 how many are registered otherwise, you know how many</p> <p>16 voted.</p> <p>17 Then I would show you another county where</p> <p>18 it is not consistent and it is a scatter plot. The dots</p> <p>19 are all over the page. So why are the Republicans and</p> <p>20 Democrats in Los Angeles totally predictable, whereas in</p> <p>21 other counties they are not? That is a question. That</p> <p>22 is an observation. Why is that the case?</p> <p>23 Q Have you, have you presented this data to</p> <p>24 Mr. Lindell?</p> <p>25 A Not directly to him, but I brought it up at</p>	<p>1 A Well, I am not sure I did more. Maybe. I</p> <p>2 don't know. I would have to go look. Since I have</p> <p>3 spoken to LA, I bet you -- I do not always use these</p> <p>4 graphs. So I don't know if I did or not. I cannot</p> <p>5 answer unless I go check.</p> <p>6 Q I just make that request.</p> <p>7 MR. GREENE: I got it.</p> <p>8 Q Okay.</p> <p>9 A How about instead of, instead of giving you</p> <p>10 the whole file so that you don't have to do this again,</p> <p>11 I would just give you the three graphs that are</p> <p>12 updated?</p> <p>13 Q Because the whole file or we can just get</p> <p>14 the Excel. I mean, if it is not in a deposition --</p> <p>15 MR. GREENE: You can probably just produce</p> <p>16 the Excel file itself.</p> <p>17 Q This is just for purposes of having to talk</p> <p>18 about it in the deposition.</p> <p>19 A This is an Excel file.</p> <p>20 MR. GREENE: Right. We are saying it is</p> <p>21 much easier to navigate on an Excel file.</p> <p>22 Q On a computer, right, not bounded by having</p> <p>23 to hand you a paper document.</p> <p>24 A Okay.</p> <p>25 Q Okay. The other file you produced in</p>

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<p>1 litigation that I want to talk about is a video file      2 that was in your production and it is a compilation of      3 slides. Here is a -- we will mark this as Exhibit 117.</p> <p>4 MR. FREY: Let us go off the record for a      5 second.</p> <p>6 THE VIDEOGRAPHER: The time is 4:13 p.m. We      7 are now off the record.</p> <p>8 (Recess was taken.)</p> <p>9 THE VIDEOGRAPHER: The time is 4:20 p. m. we      10 are on the record.</p> <p>11 (Exhibit 118 and Exhibit 119 were marked.)</p> <p>12 Q (BY MR. FREY) Okay. Dr. Frank, we are back      13 on the record. We determined that we are on Exhibit      14 118. So we have marked Exhibit 118 as screenshots from      15 an MP4 file that you produced in your production with      16 Bates label DFrank158. Then we also have up on the      17 screen here for you that actual MP4 file.</p> <p>18 Do you understand?</p> <p>19 A I understand.</p> <p>20 Q Okay. And if you take a second, we will      21 have you watch a bit of the MP4 and then flip through      22 the screenshots and just confirm to your satisfaction      23 that the screenshots are indeed what is in the MP4 file.</p> <p>24 Is that okay?</p> <p>25 A Yes. I trust you.</p>	<p>1 out of my hundreds and hundreds of presentations I      2 collected the slides related to machines. When I do a      3 PowerPoint, that is the title slide so I know what the      4 heck I am doing.</p> <p>5 Q Okay. So you went through all the various      6 presentations that you did and you collected everything      7 that you could find that related to machines and      8 compiled it here; fair?</p> <p>9 A Yes.</p> <p>10 Q Okay. And when you talk about your      11 presentations, are those the presentations you kind of      12 travel around and do around the country?</p> <p>13 A Yes.</p> <p>14 Q Like in front of state officials?</p> <p>15 A Yes.</p> <p>16 Q Okay. And I know there is probably a long      17 list, but do you recall which state officials you have      18 shown these slides to?</p> <p>19 A Hundreds.</p> <p>20 Q Let me ask it this way: How many state      21 legislatures would you think that you have met with out      22 of the 50?</p> <p>23 A Over 100.</p> <p>24 Q Over 100 different meetings?</p> <p>25 A Over 100 different legislatures. 46</p>
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<p>1 Q For the record, we will do this.</p> <p>2 A I understand.</p> <p>3 Q I will let the record reflect that we are      4 playing the video, which is Exhibit 119.</p> <p>5 (Video played.)</p> <p>6 A I am satisfied.</p> <p>7 Q So, Dr. Frank, you are satisfied that the      8 screenshots we printed as Exhibit 118 correspond to the      9 MP4 that you produced as Exhibit 119?</p> <p>10 A Sure.</p> <p>11 Q Great. So I want to talk to you a little      12 bit about these slides and how you compiled them.</p> <p>13 So the cover slide or the cover page slide      14 says, Machine Slide for Smartmatic deposition. I      15 collected the slides I used in my presentation related      16 to, quote, machines.</p> <p>17 Do you see that?</p> <p>18 A Yes.</p> <p>19 Q Did you write this?</p> <p>20 A Yes.</p> <p>21 Q Why did you A, compile the documents this      22 way and then B, write this?</p> <p>23 A Because I read the subpoena as I was      24 supposed to provide this stuff. And so I collected it      25 for you in one place. Click and drag, click and drag</p>	<p>1 states.</p> <p>2 Q 46 states, okay. What are the four states      3 that you have not been to?</p> <p>4 A Alaska, Hawaii, Arkansas, Mississippi.</p> <p>5 Q And so for the other 46 states you met with      6 some subset or the full group of state legislators or      7 legislatures?</p> <p>8 A I do not understand that question.</p> <p>9 Q I am just asking any other 46 states you met      10 with --</p> <p>11 A Other 46, the ones that I have met with?</p> <p>12 Q Yes.</p> <p>13 A Yes.</p> <p>14 Q You met with some set of state legislatures      15 in those states?</p> <p>16 A Yes.</p> <p>17 Q You have shown them these types of slides?</p> <p>18 A Yes.</p> <p>19 Q Okay. When you show the state      20 legislatures -- strike that.</p> <p>21 Have you shown these presentations to anyone      22 other than to state legislatures?</p> <p>23 A Yes.</p> <p>24 Q Who else have you shown these presentations      25 to?</p>

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<p>1 A County checks, county supervisors, county      2 commissioners, sheriffs, other elected officials,      3 mayors, sheriffs, grassroots teams.</p> <p>4 Q Okay. And when you make these presentations      5 and you show these slides, do you specifically mention      6 Smartmatic during your presentations?</p> <p>7 A I never mentioned Smartmatic until I      8 received the subpoena and then I said, by the way, I am      9 in a lawsuit but I never call Smartmatic out in      10 particular and say they are the bad ones.</p> <p>11 I do mention in my California presentations      12 and actually more recently I have included it where I      13 mention Smartmatic because I did a study of the state of      14 California and I show there are four different brands,      15 dominion, ES&amp;S, Hart and Smartmatic. And Smartmatic is      16 down here in LA. I have a color graphic of the state.      17 I say that they have their own machine. They have their      18 own, and it is the only one in the country. I do not      19 call them in out in particular. I call them out as      20 collectively, if that makes sense.</p> <p>21 Q And so let us just keep flipping through.      22 So this first slide, it says, selectioncode.com. And      23 then underneath it says or onto the right it says, You      24 vote, and then a little caret, and they decide.</p> <p>25 Did you create this graphic?</p>	<p>1 Q Okay. Do you know who did?      2 A No.      3 Q When you are showing this slide, do you      4 discuss Smartmatic?      5 A I don't think that I ever have, no.      6 Q Looking at the third slide, and I recognize      7 from the video each of these things kind of comes up      8 individually and goes over the top of one another.      9 A That is another reason to give you a video.      10 Q So it says, and this is underneath the      11 Moment of Truth banner, what we just saw in the video,      12 it says, Trial of the Machines, Dr. Douglas Frank under      13 there. Is that fair?      14 A Yes.      15 Q And then to help -- at the very bottom under      16 the Trial of the Machines Dr. Douglas Frank, it says,      17 Help support this event and it says use P-R-O and it      18 will go on to promo code.      19 Do you recall this slide?      20 A I do.      21 Q It says, use promo code Truth45 at      22 MyPillow.com.      23 Does that sound right?      24 A That sounds right.      25 Q Okay. And so were you, in making these</p>
<p style="text-align: center;">Page 278</p> <p>1 A No. Well, yes and no. I took this graphic      2 image and put the selectioncode.com on top of it for a      3 link to tell people to watch the movie. I did not      4 create the bulk of it.</p> <p>5 Q The underlying --</p> <p>6 A Yes.</p> <p>7 Q That you just got from the trailer for the      8 movie?</p> <p>9 A Exactly.</p> <p>10 Q And when you show this slide, do you discuss      11 Smartmatic?</p> <p>12 A No.</p> <p>13 Q When you show this slide, do you discuss      14 other voting machines company?</p> <p>15 A I might mention every once in a while that      16 Tina Peters, who the movie is about, they use Dominion      17 machines and it is in Mesa County. I will give you a      18 summary of what the movie is about. So Dominion might      19 come up in that.</p> <p>20 Q Moving onto the next slide, it looks like      21 this is the Cyber Symposium poster.</p> <p>22 Do you see that?</p> <p>23 A Correct.</p> <p>24 Q Did you create this poster?</p> <p>25 A I did not.</p>	<p>1 presentations, kind of advertising for MyPillow?      2 A No. This was me telling people that I      3 participated in the Moment of Truth Summit. Here is a      4 screen capture of part of it.      5 Q Okay. I see. So Frankspeech.com published      6 this on FrankSpeech?      7 A Yes.      8 Q And they had this up there and you used this      9 slide to say, hey, I spoke at this?      10 A Yes. I participated in the trial of the      11 machines. And since I was supposed to give you all of      12 my machine slides, that sounds like machines to me.      13 Q Okay. Do you discuss Smartmatic      14 specifically when you show this slide?      15 A No. Let me qualify that. At the Moment of      16 Truth I did not mention Smartmatic at that time. I did      17 not know that LA was Smartmatic. I just knew it was a      18 different brand --      19 Q Okay.      20 A -- than the rest of the state at the time I      21 did this. That shows you how little I pay attention to      22 machines.      23 Q Okay.      24 To kind of expedite this, we watched all of      25 the slides or most of them. You can flip through them</p>

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<p>1 here.</p> <p>2 A Yes.</p> <p>3 Q I believe you testified just a few minutes ago that the way you discuss Smartmatic is really limited to they are one of the machine companies used in California, in LA County. Hey, by the way, I am part of the Smartmatic lawsuit.</p> <p>8 Is that all that you say about Smartmatic when you make these presentations and are associated with these slides?</p> <p>11 A Yes.</p> <p>12 Q I want to talk about, more about the actual visits to the state legislatures that you have been doing.</p> <p>15 So I am going show you a Washington Post article and this will be Exhibit 120.</p> <p>17 (Exhibit 120 was marked.)</p> <p>18 Q (BY MR. FREY) Inside the nonstop pressure campaign by Trump allies to get election officials to revisit the 2020 vote.</p> <p>21 Have you seen this article before?</p> <p>22 A Yes.</p> <p>23 Q And do you recall being contacted by the author of this article?</p> <p>25 A Emma Brown, yes.</p>	<p>1 goes?</p> <p>2 A Let us say half.</p> <p>3 Q Okay. Is he still accompanying you or has that tapered off?</p> <p>5 A Well, we were doing that to get the Supreme Court brief. So for about three weeks straight he and I flew around the country meeting with AGs, and sometimes multiple in a single day, to get signatures on the Supreme Court brief.</p> <p>10 Q When was that about?</p> <p>11 A Thanksgiving 2021.</p> <p>12 Q Okay. I want to go to page 5 of the article. On the ninth paragraph down, which I will just kind of show you.</p> <p>15 A He said --</p> <p>16 Q Yes. It says, He said he has met personally with numerous state officials. "He" being you?</p> <p>18 A Yes.</p> <p>19 Q Including Missouri Secretary of State, Jay Ashcroft. On December 1 Frank wrote on telegram that he had negotiated a deal in which Ashcroft agreed to take up the cause if we brought him 100 phantom voters.</p> <p>23 Ashcroft declined to comment, as did several other Republican officials who Lindell or Frank said they contacted.</p>
<p>1 Q Do you recall talking to Emma Brown about your state tours?</p> <p>3 A Yes.</p> <p>4 Q And you said that you have visited 46 states?</p> <p>6 A I have, yes.</p> <p>7 Q And you have spoken with state election officials?</p> <p>9 A Quite a few.</p> <p>10 Q Secretaries of State?</p> <p>11 A Yes.</p> <p>12 Q You have spoken with some Attorney Generals?</p> <p>13 A Several.</p> <p>14 Q Multiple state Legislatures?</p> <p>15 A I would say as of now I have probably done two dozen Secretaries of States. Two dozen AGs. Just round numbers. And hundreds of state legislatures.</p> <p>18 Probably 100 clerks across the country, election clerks. They are called different things in different states but. You guys call them ROVs where you are.</p> <p>21 Q I did not know that. Okay.</p> <p>22 So Mr. Lindell has been with you to some of these meetings, right?</p> <p>24 A Yes.</p> <p>25 Q Not all of them but some of them he also</p>	<p>1 Did I read that correctly?</p> <p>2 A Yes.</p> <p>3 Q And so Mr. Lindell went to Missouri, correct?</p> <p>5 A Multiple times.</p> <p>6 Q And you spoke with Missouri Secretary of State Jay Ashcroft?</p> <p>8 A Yes.</p> <p>9 Q And Mr. Ashcroft is a Republican, correct?</p> <p>10 A I think so.</p> <p>11 Q Do you recall about when it was that you spoke with Mr. Ashcroft?</p> <p>13 A It says on December 1. I don't know what year that is. It was probably 2021 though.</p> <p>15 Q And did Missouri state officials or Mr. Ashcroft agree that there was fraud in the 2020 election?</p> <p>18 A Not in public.</p> <p>19 Q Did they agree privately?</p> <p>20 A Yes.</p> <p>21 Q What did they say?</p> <p>22 A In private, not with Jay Ashcroft, with Eric Smith, the Attorney General of the State of Missouri, he said -- I was bringing up my laptop to show him the fraud that we had already found. He said</p>

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**285-288**

<p style="text-align: right;">Page 285</p> <p>1 that, okay, Dr. Frank, you don't need to do that.      2 I said, I need you to see it so that you      3 will sign on to this lawsuit we have going to the      4 Supreme Court.      5 He said, that is okay, quote, we already      6 know that we have tens of thousands of ballots being      7 stuffed in our elections, unquote.      8 Q Did he then sign on to the petition?      9 A No.      10 Q Did he tell you what the evidence was that      11 they had tens of thousands of votes being stuffed in the      12 election?      13 A I don't think that he had the evidence. I      14 think his clerks told him that. I met with his head      15 clerk the day before who explained tons of stuff.      16 Q You met with -- when you met with the head      17 clerk, the head clerk was telling things to you?      18 A Yes, in front of a state senator who was      19 escorting me around.      20 Q Are you aware that Missouri state officials      21 stated publicly that there is no evidence of fraud?      22 A They all say that.      23 Q So you are aware?      24 A Well, I am not aware of the specific time      25 that they said that.</p>	<p style="text-align: right;">Page 287</p> <p>1 doing -- well, one of them was earlier when we were      2 collecting signatures. So that would have been around      3 just before Thanksgiving 2021, and another one was      4 later, several months later, but I don't recall exactly      5 where.      6 Q And did you know when you read this post      7 article then that Mr. Merrill told them that the      8 allegations of a rigged election did not have merit?      9 A I read this article, yes.      10 Q And do you know if Mr. Lindell read this      11 article and was aware of that?      12 A I don't know.      13 Q Did you bring it up to him?      14 A No. There are hundreds of these. We do      15 not discuss them all.      16 Q And then if you go down to the bottom of the      17 page, it says, Merrill said he personally knows a couple      18 of voters living at Big Oak Ranch whose names were      19 presented to him as evidence of fraud.      20 Did I read that correctly?      21 A Yes. I remember this meeting now.      22 Q Did you present Big Oak Ranch as a facility      23 affected by the --      24 A I did not. Jay Valentine did who we fired.      25 Q Who is Jay Valentine?</p>
<p style="text-align: right;">Page 286</p> <p>1 Q Okay. Do you know if Mr. Lindell is aware      2 that Missouri state officials stated publicly after you      3 all met that there was no evidence of election fraud?      4 A I don't know.      5 Q Have you spoken with Mr. Lindell about that?      6 A No, not specifically for Missouri for      7 example.      8 Q If you go to three paragraphs down, that      9 same page, it says, Alabama Secretary of State John      10 Merrill said in an interview that he met with Lindell      11 and Frank twice this fall and traveled to Trump's      12 private club in Florida this month to meet with the      13 former president. Merrill describes the meeting as      14 cordial and said he is always willing to meet with      15 anyone, but he also said that the allegations of a      16 rigged election did not have merit.      17 Did I read that right?      18 A Yes, sir.      19 Q So you and Mr. Lindell also went to Alabama,      20 right?      21 A Twice.      22 Q You had two meetings with John Merrill?      23 A Yes.      24 Q And when were those meetings; do you recall?      25 A About the same time frame because we were</p>	<p style="text-align: right;">Page 288</p> <p>1 A He is someone who is trying to sell a      2 product to help people find fraud in multiple states.      3 It is kind of his own version of ERIC, E-R-I-C which is      4 a state-to-state comparison of voter roles service. He      5 is going around the country trying to sell that.      6 He sold Mike Lindell on it. Mike Lindell      7 retained him for a period of time. I interviewed him.      8 The principle sounded good, but the guy cannot deliver      9 so we fired him.      10 Q Okay. That is because he would present      11 places such as Big Oak Ranch?      12 A This is just one of dozens which is why we      13 got rid of the guy.      14 Q Okay. So on page 6, paragraph --      15 A Frank acknowledged the meeting did not go      16 well. Go ahead. Sorry.      17 Q On paragraph (sic) six on this next page, it      18 starts with, In Ohio.      19 A Yes.      20 Q In Ohio, Frank got an audience with LaRose's      21 staff after connecting with Joe Blystone, who is      22 challenging Governor Mike DeWine for the GOP nomination      23 in part on a platform claiming that fraud tainted the      24 state's election last year.      25 Did I read that correctly?</p>

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<p style="text-align: right;">Page 289</p> <p>1 A Yes.</p> <p>2 Q Is Mr. LaRose a Republican?</p> <p>3 A I believe so.</p> <p>4 Q Do you recall threatening legal action 5 against Mr. LaRose's office if they didn't cooperate 6 with your requests?</p> <p>7 A No. But I remember giving him the 8 opportunity to be a hero and expose fraud because, if 9 he does not, we will and we will make sure everyone 10 knows.</p> <p>11 Q Okay. So if you look at page 2 of the 12 article, paragraph three, there it says, In Ohio, Frank 13 met for more than two hours in May with the senior staff 14 of Ohio Secretary of State Frank LaRose presenting 15 unsubstantiated claims that voting machines are 16 connected to the internet and have been hacked, 17 according to a recording of the meeting obtained by the 18 Washington Post. Frank warned that he planned to pursue 19 multiple legal actions around the country and said there 20 will be consequences if LaRose's office did not 21 cooperate.</p> <p>22 So is that saying that you were saying we 23 are going to bring legal action, not necessarily against 24 Mr. LaRose?</p> <p>25 A I think that is a misrepresentation of what</p>	<p style="text-align: right;">Page 291</p> <p>1 A I didn't have anything happened. I 2 connected local citizens who wanted to know if their 3 machines could be hacked with somebody who knows how to 4 do that. They had their own discussion and made their 5 own plans.</p> <p>6 Q Okay.</p> <p>7 A I was not actually expecting him to do 8 that. I was expecting him to give the passwords.</p> <p>9 Q If you go to the back to page 6 and you look 10 at the last paragraph, and this is an interview of 11 Mr. LaRose, it says, In an interview in November LaRose 12 offered a blunt assessment of Frank's theories. He 13 says, Almost nobody knows what a sixth-order polynomial 14 even is. It has nothing to do with how elections are 15 run.</p> <p>16 Do you see that?</p> <p>17 A Yes.</p> <p>18 Q He says, It sounds impressive but if you 19 have a preconceived sort of notion about what you want 20 to believe and somebody with a title tells you a bunch 21 of things, this is what conspiracy theories are based 22 on.</p> <p>23 Did you read that as what he said?</p> <p>24 A That sounds like him.</p> <p>25 Q And that is after you met with him and</p>
<p style="text-align: right;">Page 290</p> <p>1 I, of the intention of my comments.</p> <p>2 Q So you disagree with that?</p> <p>3 A Yes. I understand that the Secretary of 4 State recorded that meeting and gave a copy of the 5 meeting to the Washington Post. So it is hard for me 6 to imagine that he misquoted me, but that is not a 7 quote. So it is probably a misrepresentation. That 8 does not sounds like me.</p> <p>9 Q Okay.</p> <p>10 A That is not what I say. What I say is you 11 can either be a hero or we will expose you and 12 everybody will know. That is what I do.</p> <p>13 Subsequent to that, by the way, is when we 14 did the Lake County thing and proved their machines were 15 online.</p> <p>16 Q That is when you had or you talked to the 17 kid who went in and hacked into them?</p> <p>18 A Yes.</p> <p>19 Q Okay.</p> <p>20 A So, I mean, there is evidence right there. 21 And then Frank LaRose put out a note oh, we were 22 hacked, but nothing was changed. Thank goodness. That 23 was not the point.</p> <p>24 Q So, Dr. Frank, did you have the election 25 hacked in order to prove Mr. LaRose was wrong?</p>	<p style="text-align: right;">Page 292</p> <p>1 presented your evidence?</p> <p>2 A I did not meet with him.</p> <p>3 Q You did not meet with Mr. LaRose?</p> <p>4 A No. He did not show.</p> <p>5 Q So you met with his office but not with him?</p> <p>6 A (Witness shook head.)</p> <p>7 (Exhibit 121 was marked.)</p> <p>8 Q (BY MR. FREY) I want to look quickly at tab 9 nine. This will be Exhibit 121. This is a document 10 that was produced to us by Mr. Lindell with the Bates 11 stamp DEF017285.00001. If you see, you are on the 12 bottom email here that was then forwarded to 13 ML@MyPillow.com.</p> <p>14 Do you see that?</p> <p>15 A Yes.</p> <p>16 Q The email at the bottom is from Pamela Evans 17 to Doug@toolsforanalysis.com and 18 Drdouglasfrank@outlook.com, right?</p> <p>19 Is doug@toolsforanalysis.com; is that you?</p> <p>20 A That is me.</p> <p>21 Q Okay. And do you know Pamela Evans?</p> <p>22 A I don't recall her.</p> <p>23 Q Okay. So you don't know if you would have 24 met Ms. Evans before she sent you this email on --</p> <p>25 A Probably not.</p>

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**293-296**

<p style="text-align: right;">Page 293</p> <p>1 Q -- august 13?</p> <p>2 A She heard me at the Wellington where there 3 were 21,000 people.</p> <p>4 Q She is one of many people that you met and 5 she got your email address and reached out to you; fair?</p> <p>6 A Yes.</p> <p>7 Q Okay. So if you look at the last paragraph 8 of the first page of the email here, she writes, I have 9 written to our governor, AG and Secretary of State in 10 January of 2021 and again this week asking for a full 11 forensic audit. This week I had a breakthrough with the 12 SOS Office. Dave Ward, Director of Constituents 13 Affairs, wrote me yesterday stating that they had met 14 with you a few months ago but you could not prove 15 election fraud but, if you had new information to share, 16 they would ask you to please come forward with it.</p> <p>17 Do you see that?</p> <p>18 MR. GREENE: It goes on to the second page.</p> <p>19 Q It goes on to the second page. I am sorry.</p> <p>20 A Okay. I see that.</p> <p>21 Q So you have met with David Ward several 22 months before.</p> <p>23 Do you recall meeting with David Ward in the 24 summer of 2021?</p> <p>25 A I think he was the one who was the Chief of</p>	<p style="text-align: right;">Page 295</p> <p>1 Q Okay. Have any of the states you visited 2 taken official action to reform their election 3 procedures?</p> <p>4 A Yes.</p> <p>5 Q How many?</p> <p>6 A Wyoming, South Dakota, Montana, Wisconsin, 7 California. I think the question is too general 8 because I can go state to state and show you that we 9 have had official responses at city and county levels 10 all over the place and some state level as well. I 11 mean the secretary -- the California legislature right 12 now is in panic mode trying to pass laws so that we 13 cannot flip more counties like we flipped Shasta.</p> <p>14 Q What do you mean by flipped Shasta?</p> <p>15 A Shasta is completely paper. Paper poll 16 books, paper ballots, hand tally.</p> <p>17 Q When did Shasta County make the decision to 18 go paper?</p> <p>19 A January, February, March. It was three 20 months' worth of decisions of this year. January they 21 voted to not renew their Dominion contract. A month 22 later they voted to not have machines at all. A month 23 later they got rid of the electronic poll books.</p> <p>24 Q How did you learn of that decision?</p> <p>25 A I was involved in it.</p>
<p style="text-align: right;">Page 294</p> <p>1 Staff, I think, but I don't recall for sure. I think 2 that is who he was.</p> <p>3 Q Were you aware then that Mr. Ward believed 4 you could not prove election fraud at that time?</p> <p>5 A Yes. That was not the purpose of the 6 meeting.</p> <p>7 Q What was the purpose of the meeting?</p> <p>8 A To inform them that we were about to begin 9 an investigation in the state, and we were going to 10 uncover election fraud and they were going to have to 11 deal with it.</p> <p>12 Q Okay. So when Ms. Evans wrote to you on 13 this August 13, 2021, did you have any new evidence of 14 voter fraud in Ohio to present to Mr. Ward or other 15 officials?</p> <p>16 A No. My teams there -- my fraud teams 17 self-imploded. It happens a lot.</p> <p>18 Q Despite kind of the, it seems like lack of 19 success that these meetings were having in getting the 20 state legislatures to do anything, you kept having these 21 meetings, right?</p> <p>22 A Yes.</p> <p>23 Q And you traveled, like you said, to 46 of 24 the 50 states, correct?</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 296</p> <p>1 Q So you were part of the meetings with the 2 legislature or the commissioners?</p> <p>3 A Yes.</p> <p>4 Q Okay. And is that change being implemented 5 in the upcoming election?</p> <p>6 A Yes.</p> <p>7 Q In addition to Shasta County, you mentioned 8 Wyoming, correct?</p> <p>9 A Yes. I met with the Secretary of State 10 there, Chuck Gray.</p> <p>11 Q And what action has Wyoming taken?</p> <p>12 A They have already begun taking actions to 13 clean up their elections.</p> <p>14 Q In what way?</p> <p>15 A Well, one of them is they do not have open 16 primary anymore. Another is the way they perform their 17 audits.</p> <p>18 Q So they --</p> <p>19 A They have a limited session and they only 20 accomplish a couple things, but they are well on the 21 way.</p> <p>22 Q Okay. And then you said South Dakota, 23 correct?</p> <p>24 A Yes.</p> <p>25 Q What is South Dakota?</p>

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<p style="text-align: right;">Page 297</p> <p>1 A I met with several legislature there and we 2 almost swung the 2020 election. Sorry, the 2022 3 election being completely paper for the whole state. 4 We were on the verge of that. So even though we don't 5 always get the full 100 yards, we are making, we are 6 gaining ground in lots of places.</p> <p>7 Q Okay. So you almost got it done in South 8 Dakota but did not quite get there?</p> <p>9 A Yes, for the whole state.</p> <p>10 Q How about Montana?</p> <p>11 A Montana already has a dozen counties that 12 do hand counting.</p> <p>13 Q Is that since the November '20 election or 14 they already had it?</p> <p>15 A Some of each. There are more coming, and 16 that is what I work for.</p> <p>17 Q So some counties were already hand count and 18 more are going to be hand count?</p> <p>19 A Yes. I am working with legislatures there 20 as well. They just had a big summit in their 21 legislature.</p> <p>22 Q Wisconsin you mentioned?</p> <p>23 A Yes.</p> <p>24 Q What reforms have they taken?</p> <p>25 A Well, Janel Brandtjen, who is the head of</p>	<p style="text-align: right;">Page 299</p> <p>1 the citizens. I don't expect change from the top down. 2 I am building change from the bottom up.</p> <p>3 MR. FREY: Okay. All right. Let us do a 4 quick break and then I have probably one more segment 5 and we will be done.</p> <p>6 MR. GREENE: Okay.</p> <p>7 THE VIDEOGRAPHER: The time is 4:53 and we 8 are off the record.</p> <p>9 (Recess was taken.)</p> <p>10 THE VIDEOGRAPHER: The time is 5:04 p.m. and 11 we are on the record.</p> <p>12 Q Okay. Dr. Frank, we are back from the 13 break. I want to move on to talk about the Prove Mike 14 Wrong Contest.</p> <p>15 You are aware of that contest, right?</p> <p>16 A Quite.</p> <p>17 (Exhibit 122 was marked.)</p> <p>18 Q (BY MR. FREY) The first thing that I handed 19 you was what we marked as Exhibit 122 which is a post 20 from the Telegram account Follow the Data with 21 Dr. Frank.</p> <p>22 Do you see that?</p> <p>23 A Yes.</p> <p>24 Q It shows down in the bottom right that it 25 was posted on April 20, and I believe that is of this</p>
<p style="text-align: right;">Page 298</p> <p>1 the Election Committee for the Senate, had me in 2 testifying and we exposed tons of fraud there. I met 3 privately with Secretary of State Robin -- I am sorry. 4 Speaker of the House Robin Vos and he walked out of 5 that meeting and said in front of ten television 6 cameras for the whole world to hear that there was 7 widespread fraud in the state of Wisconsin.</p> <p>8 Q Have they taken action?</p> <p>9 A They hired Judge Gableman to do all sorts 10 of fraud evaluation and whatnot. And there are many 11 counties there that are getting out of electronic 12 voting. They are moving to paper. It is in their 13 state law. They have a law that says 7,500 or less in 14 their county, they don't have to use the machines.</p> <p>15 Q Has that state law been put in place post 16 November 2020?</p> <p>17 A No, it was there already. They didn't know 18 it was there. Now that they know it is there, now 19 county by county they are making the decisions to opt 20 out.</p> <p>21 Q Okay.</p> <p>22 A But that is what I am there for.</p> <p>23 Q And that is what you are --</p> <p>24 A That is what I do. I help counties and I 25 do it by helping them find real fraud and that empowers</p>	<p style="text-align: right;">Page 300</p> <p>1 year?</p> <p>2 A Yes.</p> <p>3 Q Does that sound right to you?</p> <p>4 A Yes.</p> <p>5 Q Okay. And you say here, At Mike Lindell 6 Cyber Symposium in August of 2021 he offered a \$5 7 million challenge to dozens of cyber experts to prove 8 that the cyber evidence he provided unequivocally does 9 not, in all caps, reflect information related to the 10 November 2020 election.</p> <p>11 Did I read that right?</p> <p>12 A Yes.</p> <p>13 Q You go on to say in the first paragraph that 14 you are intimately familiar with the details of the 15 event and the challenge, right?</p> <p>16 A Yes.</p> <p>17 Q Is that because you MC'd the Cyber Symposium 18 and kind of participated in the daily management?</p> <p>19 A Yes. I also helped write the rules for the 20 contest. I also served as a judge on the contest, and 21 then I also was in the arbitration. So from beginning 22 to end I have been intimately involved in this.</p> <p>23 Q So you were a judge on the contest, right?</p> <p>24 A Yes.</p> <p>25 Q But you testified earlier that you are not a</p>

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**301-304**

<p style="text-align: right;">Page 301</p> <p>1 cyber security analyst, correct?</p> <p>2 A Correct.</p> <p>3 Q And you are not a computer scientist by</p> <p>4 trade, right?</p> <p>5 A Every machine that I ever made is</p> <p>6 controlled by computers that I wrote software and built</p> <p>7 electronics for. So I would disagree with that</p> <p>8 comment.</p> <p>9 Q You don't have a computer science degree, do</p> <p>10 you?</p> <p>11 A You don't need one to do what I do.</p> <p>12 Q You were on the panel with two other</p> <p>13 individuals; is that right? Or how many people served</p> <p>14 on the judge panel?</p> <p>15 A Three.</p> <p>16 Q Three on the judge panel?</p> <p>17 A Tom Sanders, myself and Kurt Olsen.</p> <p>18 Q And Kurt Olsen is an attorney, right?</p> <p>19 A Correct.</p> <p>20 Q So he probably is not a cyber security</p> <p>21 analyst, right?</p> <p>22 A Correct.</p> <p>23 Q He is also not, he is not a computer</p> <p>24 scientist, correct?</p> <p>25 A Correct.</p>	<p style="text-align: right;">Page 303</p> <p>1 was not to validate the data but instead to prove a</p> <p>2 negative which is also a very high bar, all caps.</p> <p>3 Did I read that right?</p> <p>4 A Yes.</p> <p>5 Q Did you talk at all with Mr. Lindell before</p> <p>6 the challenge about whether it was even possible for</p> <p>7 someone to win to meet this unequivocally high bar?</p> <p>8 A I did not speak with Mr. Lindell. I spoke</p> <p>9 with Kurt Olsen about it.</p> <p>10 Q What did you two discuss?</p> <p>11 A He asked me, he said, can anyone win this</p> <p>12 challenge? I said, it would be almost impossible.</p> <p>13 Q Because?</p> <p>14 A Because of time limitations. You only have</p> <p>15 three days. So you would have to decrypt the data and</p> <p>16 prove it was not related to the election. How do you</p> <p>17 prove it is not related to election when it is full of</p> <p>18 election data? You then have to prove it was</p> <p>19 fraudulent or made up or something. How are you going</p> <p>20 to do that in three days?</p> <p>21 So even if the data, even if I say worst</p> <p>22 case, even if the data were not real, how would you</p> <p>23 prove it in a mere three days? And you would have to --</p> <p>24 I mean it is 100 terabytes. It is essentially an</p> <p>25 impossible task.</p>
<p style="text-align: right;">Page 302</p> <p>1 MR. GREENE: Objection. If he knows.</p> <p>2 Q If you know.</p> <p>3 A He is not.</p> <p>4 Q And Todd Sanders was the third you said,</p> <p>5 right?</p> <p>6 A Yes.</p> <p>7 Q Todd Sanders is someone who was on</p> <p>8 Mr. Lindell's red team?</p> <p>9 A Yes.</p> <p>10 Q Were all the panelists closely affiliated</p> <p>11 with Mr. Lindell?</p> <p>12 A We represented legal, technical and cyber.</p> <p>13 That is why we chose those three.</p> <p>14 Q But your legal, technical and cyber for the</p> <p>15 team that works closely with Mr. Lindell, right?</p> <p>16 A Yes.</p> <p>17 Q Probably all three of you receive or have</p> <p>18 received payments from Mr. Lindell, right?</p> <p>19 A Well, we established that.</p> <p>20 Q As far as you know, if you know whether</p> <p>21 Mr. Olsen or Mr. Sanders has received payments from</p> <p>22 Mr. Lindell?</p> <p>23 A I have no idea.</p> <p>24 Q Okay. And then you say in this post here</p> <p>25 that unequivocally is a very high bar and the challenge</p>	<p style="text-align: right;">Page 304</p> <p>1 Q So essentially impossible, you told</p> <p>2 Mr. Olsen that?</p> <p>3 A We agreed, yes.</p> <p>4 Q You agreed that this is essentially an</p> <p>5 impossible process?</p> <p>6 A Impossible is not a good word, but</p> <p>7 extremely, extremely difficult.</p> <p>8 Q Because it is very difficult to, even in the</p> <p>9 first instance, just to prove a negative, right?</p> <p>10 A Exactly. That was my point. Logically it</p> <p>11 is a ridiculous -- and then I made a stupid -- I made a</p> <p>12 silly example. I said, prove that the blue shirt my</p> <p>13 son is wearing is not related to the 2020 election.</p> <p>14 How would you prove that? He might have worn it on</p> <p>15 that day, so that makes it related. How would you</p> <p>16 prove it was not related? Proving a negative is a</p> <p>17 logical difficulty.</p> <p>18 Q So there was really almost no scenario by</p> <p>19 which someone could have won that challenge?</p> <p>20 A The only way they could have won that</p> <p>21 challenge is if they had decrypted the data and had</p> <p>22 been able to show it was made up in some way, that it</p> <p>23 was not real data. That would be the only way, and I</p> <p>24 had never seen the PCAP data with my own eyes. So I</p> <p>25 left open that possibility.</p>

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**305–308**

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<p>1 Q Okay. I want to look at another telegram      2 post --</p> <p>3 A Sure.</p> <p>4 Q -- of yours. This will be marked as Exhibit      5 123.</p> <p>6 (Exhibit 123 was marked.)</p> <p>7 Q (BY MR. FREY) This was posted on Follow the      8 Data with Dr. Frank on January 23.</p> <p>9 Do you see that?</p> <p>10 A Correct.</p> <p>11 Q Do you recognize this post?</p> <p>12 A I do.</p> <p>13 Q Okay. One of the things that you write      14 here, and it is kind of hard to read, this little      15 printout. I don't know if we can get it bigger.</p> <p>16 MR. FREY: Can we go off the record really      17 quick?</p> <p>18 THE VIDEOGRAPHER: The time is 5:11 p.m. We      19 are off the record.</p> <p>20 (Recess was taken.)</p> <p>21 THE VIDEOGRAPHER: The time is 5:12 p.m. We      22 are on the record.</p> <p>23 Q Okay. So in this post, Dr. Frank, you      24 start, Someone recently asked me whatever happened to      25 the PCAPs that Mike Lindell presented at the cyber</p>	<p>1 you kind of what national security branch was saying you      2 cannot release this data?</p> <p>3 A No.</p> <p>4 Q Did Mr. Olsen or Mr. Lindell tell you where      5 the original data came from?</p> <p>6 A Four sources.</p> <p>7 Q What were those sources?</p> <p>8 A I know Dennis Montgomery was 1/4.</p> <p>9 Q Okay. Do you know what the other 3/4 were?</p> <p>10 A I could not say. I would not know. I,      11 mean I can guess, but I don't know.</p> <p>12 Q But no one has ever told you?</p> <p>13 A Not directly. Not these are the sources.</p> <p>14 Q Okay. And the portion that came from Dennis      15 Montgomery, what is your understanding of the portion of      16 it that he delivered?</p> <p>17 A I don't know which portion of the 100      18 terabytes he delivered.</p> <p>19 Q Okay. And so did you ever sign an NDA or      20 anything in connection with your work on the election      21 analysis?</p> <p>22 A With whom?</p> <p>23 Q With Mr. Lindell?</p> <p>24 A No.</p> <p>25 Q With Mr. Montgomery?</p>
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<p>1 symposium.</p> <p>2 Do you see that?</p> <p>3 A Yes.</p> <p>4 Q So I prepared the summary diagram. The      5 original PCAP files are protected for legal and national      6 security reasons, but information extracted from them      7 has been made public for some time.</p> <p>8 Do you see that.</p> <p>9 A Yes.</p> <p>10 Q Okay. And I know we talked earlier about      11 the kind of national security concerns and your      12 understanding of that. And, correct me if I am wrong,      13 is that based on Colonel Waldron's conversation with an      14 FBI agent who said, you cannot disseminate this stuff?</p> <p>15 A No. That was based upon months of my      16 interactions with Mike. I was saying, give me the      17 PCAPs. Give me the PCAPs so I can get ready. I was      18 only given small samples, and that was explained to me      19 why.</p> <p>20 Q And that was Mr. Lindell was telling you?</p> <p>21 A No, Kurt Olsen was.</p> <p>22 Q Kurt Olsen was telling you the reason why?</p> <p>23 A I usually did not call Mike about those      24 issues. Kurt Olsen is my contact. He is a busy guy.</p> <p>25 Q And you -- do you know, did Mr. Olsen tell</p>	<p>1 A I never spoke to him.</p> <p>2 Q Okay. With --</p> <p>3 A I am wrong. I did speak to him. I am      4 sorry.</p> <p>5 Q Anyone associated with the PCAP data review      6 and analysis were you asked to sign any kind of      7 nondisclosure agreement?</p> <p>8 A No.</p> <p>9 Q Who has asked that you sign a nondisclosure      10 agreement in connection with your election analysis, not      11 in your life?</p> <p>12 A Some states make you, if they give you the      13 data, there are limits and you are not allowed to give      14 the data to people that do marketing and things.</p> <p>15 Q I got it. So that is like for voter      16 registration and voter rolls?</p> <p>17 A Right. It is sensitive data.</p> <p>18 (Exhibit 124 was marked.)</p> <p>19 Q (BY MR. FREY) Okay. So now I want to flip      20 to the actual report and your analysis of the Zeidman      21 report. So this will be marked as Exhibit 124. It is      22 produced with the Bates DEF120753. It begins with, The      23 Prove Mike Wrong Challenge Official Rules, and then it      24 has a compilation of materials related to the contest.</p> <p>25 Do you see that?</p>

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**309-312**

<p style="text-align: right;">Page 309</p> <p>1 A I see it, yes.</p> <p>2 Q If you go to page 5 of the report, it is</p> <p>3 Review of Zeidman Report written by Douglas G. Frank.</p> <p>4 Do you see that?</p> <p>5 A Yes.</p> <p>6 Q And did you write this review?</p> <p>7 A I did.</p> <p>8 Q Did you write it in October of 2021 for</p> <p>9 Mr. Olsen?</p> <p>10 A I did.</p> <p>11 Q Okay. And did you write this report as part</p> <p>12 of the arbitration with Mr. Zeidman or before the</p> <p>13 arbitration with Mr. Zeidman?</p> <p>14 A We met at the end of the Cyber Symposium as</p> <p>15 a committee, reviewed the submissions and none of them</p> <p>16 even came close. So we said, no.</p> <p>17 Then a month later or so Kurt called me and</p> <p>18 said, hey, I need you to write a formal reply to the</p> <p>19 Zeidman claim. So I wrote this then.</p> <p>20 Q Okay. Did Mr. Olsen tell you what he needed</p> <p>21 the formal reply to say?</p> <p>22 A No. He just told me to write it. I agreed</p> <p>23 and did it.</p> <p>24 Q Okay. And it begins with this section after</p> <p>25 your qualifications, it has a section called Prove a</p>	<p style="text-align: right;">Page 311</p> <p>1 data, a bunch of tallies, a bunch of results from</p> <p>2 several counties during the election, even dated during</p> <p>3 the election. It is in English.</p> <p>4 Q Okay. You saw it during the arbitration</p> <p>5 panel?</p> <p>6 A As well, yes, I had seen it --</p> <p>7 Q You had seen it before?</p> <p>8 A I had seen the extracted portions as well</p> <p>9 because I was on the red team at the Cyber Symposium.</p> <p>10 Q So you had seen certain extracted portions</p> <p>11 --</p> <p>12 A Yes.</p> <p>13 Q -- during the Cyber Symposium?</p> <p>14 A That were cleaned already.</p> <p>15 Q That were cleaned?</p> <p>16 A Yes. Yes.</p> <p>17 Q And what was cleaned out of, what needed to</p> <p>18 be cleaned; do you know?</p> <p>19 A Well, there are like CISA, the Cyber</p> <p>20 Infrastructure Security Agency, a lot of those networks</p> <p>21 are being used to communicate this information around</p> <p>22 the country and so those have passwords and those have</p> <p>23 IP addresses. That is secure information. So that is</p> <p>24 the sort of thing that is taken out.</p> <p>25 Also, the user names and passwords, so if</p>
<p style="text-align: right;">Page 310</p> <p>1 Negative, right?</p> <p>2 A Yes.</p> <p>3 Q Here you kind of talk about what we were</p> <p>4 discussing with your Telegram post, that it is</p> <p>5 exceedingly difficult to prove a negative, right?</p> <p>6 A Yes. Yes.</p> <p>7 Q And you also write in here about how you</p> <p>8 were yourself interested to see the PCAP data, right,</p> <p>9 but the security and legal concerns have limited your</p> <p>10 access?</p> <p>11 A Right.</p> <p>12 Q You do state that you have received, you</p> <p>13 have seen enough of the extracted portions of the PCAP</p> <p>14 data to convince you that it is at least related to the</p> <p>15 November 2020 election?</p> <p>16 A Correct.</p> <p>17 Q Correct?</p> <p>18 A Correct.</p> <p>19 Q Okay. So is it the case that you know the</p> <p>20 PCAP data is something election related but you are not</p> <p>21 sure what it is, you, yourself?</p> <p>22 A No, you can see what it is. And during the</p> <p>23 arbitration Todd Sanders right in front of the three</p> <p>24 arbiters decrypted one of the files and showed them the</p> <p>25 stuff right on the screen. It is a bunch of voter</p>	<p style="text-align: right;">Page 312</p> <p>1 you think about it, every time an outside, every time an</p> <p>2 outside event tries to log into a computer, it has to</p> <p>3 have a user name and password. Those are in every</p> <p>4 single PCAP. The PCAP tells you the source IP and user</p> <p>5 name and password to get into the destination IP. That</p> <p>6 is why Conan was giving me all the user names and</p> <p>7 passwords whenever I asked them for certain counties. I</p> <p>8 could go in and show them that. They were like, how did</p> <p>9 you get those? My guy got them out of the PCAPs.</p> <p>10 Q So he would, Conan would show you certain</p> <p>11 information from the PCAPs that you were not supposed to</p> <p>12 see, but you were not allowed to see the rest of it?</p> <p>13 A I was allowed to see that.</p> <p>14 Q I am sorry. I thought that you said user</p> <p>15 names and passwords was the national security risk that</p> <p>16 you were not allowed to see?</p> <p>17 A No, not for the secure networks. For</p> <p>18 counties. I am sitting with the county officials. He</p> <p>19 says, prove to me I am online. Here is your user name</p> <p>20 and password.</p> <p>21 Q So when the PCAP data was scrubbed to take</p> <p>22 out sensitive information, were the user name and</p> <p>23 passwords of the counties left in?</p> <p>24 A What went to the public was scrubbed that</p> <p>25 far. All I did was ask, when I did not -- he did not</p>

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<p>1 give me chunks of PCAPs and say get your own user names      2 and passwords.</p> <p>3 I called him and said, I am going to be in      4 X, Y, Z County tomorrow and that commissioner wants      5 proof that his machines were online. Give me the user      6 name and passwords. He would give them to me and I      7 would go in and show them. They would go, man, all the      8 employees, everything, everybody is hacked. Yes,      9 exactly. That is the point.</p> <p>10 Q Okay.</p> <p>11 A So that was -- that is not a national      12 security breach. That is a specific official saying we      13 want to have specific information, and that is      14 different.</p> <p>15 Q Okay. And is that information, that county      16 level information, was that left in the version that was      17 shown to people doing the Prove Mike Wrong Challenge,      18 those cyber security analysts like Mr. Zeidman could      19 they see that level of data?</p> <p>20 A I am not certain because I did not see it      21 all.</p> <p>22 Q Okay. So I was thinking about this at one      23 of our breaks and trying to understand the difference      24 between what was publicly disseminated and what went to      25 the experts, The Prove Mike Wrong Challengers?</p>	<p>1 A In public.</p> <p>2 Q That is in the PCAP data that was delivered      3 to the public?</p> <p>4 A Yes, the IP addresses.</p> <p>5 Q In the Absolute Proof movie, the actual      6 video shows like a long series of numbers in a      7 hexadecimal format, right?</p> <p>8 A Right.</p> <p>9 Q And a hexadecimal format is not human      10 readable?</p> <p>11 A Yes.</p> <p>12 Q It has to be converted to text?</p> <p>13 A Yes.</p> <p>14 Q Have you then converted the data hexadecimal      15 format to text?</p> <p>16 A Which is what I explained to you earlier      17 today how I prepared all of my software ahead of time      18 so they can give me all of this hexadecimal stuff that      19 I could convert and give to my people in readable      20 stuff.</p> <p>21 Q Okay. And then, so you are aware that when      22 it is converted to text it becomes, like you said, it is      23 a version of the Pennsylvania's voter file listing the      24 registered voters, right?</p> <p>25 A Yes.</p>
<p style="text-align: center;">Page 314</p> <p>1 A Yes. The challengers were given about, if      2 I remember right, I can be wrong, it is like seven      3 files the first day. Five of the files were training      4 files to teach them how to work with the data we were      5 about to give them.</p> <p>6 Two of the files were actual data files that      7 they had to decrypt and analyze, and Zeidman was unable      8 to decrypt them. He even wrote in his claim he tried.      9 It was gibberish. Then he wrote his claim.</p> <p>10 How can you prove unequivocally at that time      11 data are not related to the election if you cannot      12 decrypt it? That settles the claim. It cannot be a      13 successful claim. That is why we rejected his claim.</p> <p>14 Q I want to look at a little bit more above      15 your review. And at paragraph 6 you say, The timestamps      16 in the original data are concentrated from November 2 to      17 6, 2020 and the IP addresses where the incursions took      18 place correspond to election offices.</p> <p>19 Is that right?</p> <p>20 A Yes.</p> <p>21 Q Okay. Have you seen those timestamps and IP      22 addresses yourself?</p> <p>23 A Yes, during the arbitration we showed that,      24 and Mike has published tons of those --</p> <p>25 Q And that is --</p>	<p style="text-align: center;">Page 316</p> <p>1 Q Okay. And that same data can be purchased      2 for \$20?</p> <p>3 A No, it is not merely that. It is also      4 communications from the IP address where it was      5 contacting.</p> <p>6 It also includes, you know, voting tallies      7 as they were going and taking place. It is also      8 including who has voted. That is information that is      9 not information in the voter database. That is -- that      10 is like the poll books updating or that sort of thing.</p> <p>11 It is not the same thing as a voter database.</p> <p>12 Q You saw all those additional things in the      13 conversion?</p> <p>14 A I have seen those, yes, with my own eyes.</p> <p>15 Q Okay. So I want to look at number, if you      16 go to the third page of your review or the second page      17 of your review. I am sorry. After number 23 to 32.</p> <p>18 A Yes.</p> <p>19 Q You say, Even if he is correct, Zeidman is      20 merely showing the formatting leftovers after sensitive      21 information was removed from the files. This neither      22 proves or disproves anything. Right?</p> <p>23 A The challenge was to disprove unequivocally      24 or prove unequivocally, yes.</p> <p>25 Q And the stuff that was sensitive information</p>

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**317-320**

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<p>1 that was removed was the IP addresses and passwords and      2 security information?</p> <p>3 A IP addresses were in there still. And I am      4 not sure, because I already answered that question, I      5 have not looked at everything they have given. I just      6 looked at it decrypted and started scanning through it      7 and go, man, this is all this stuff related to the      8 election.</p> <p>9 Q Okay. And then if you go to the third page      10 of your report, in the middle of the page under 36 to 37      11 you write, Zeidman admits that the data provided are      12 relevant to the election since he concedes that the      13 implied meanings of the file headers refer to the      14 November 2020 election.</p> <p>15 Correct?</p> <p>16 A Yes.</p> <p>17 Q Okay. Then you say, Once he has done this,      18 the balance of his discussion is irrelevant to his claim      19 of irrelevancy unless he is able to prove the data are      20 100 percent fraudulent, right?</p> <p>21 A Yes.</p> <p>22 Q So you are saying that Mr. Zeidman has      23 admitted that the file headers are related to the 2020      24 election?</p> <p>25 A Yes, in his claim.</p>	<p>1 Do you see that?</p> <p>2 A Yes.</p> <p>3 Q So where in these paragraphs does he talk      4 about the data being related to the November 2020      5 election?</p> <p>6 A I would not have said that unless he said      7 something. What paragraph was it? Something he said      8 made that happen. He included a printout of the      9 spreadsheet as Exhibit G. What is Exhibit G? He      10 didn't. If you look at Exhibit G, it has all the      11 headers.</p> <p>12 Q Okay. What page is that?</p> <p>13 A He did not put it in here. He did not put      14 the printout. He says that he did, but he did not.      15 That is why we are confused.</p> <p>16 MR. GREENE: 66 is the reference page.</p> <p>17 A Right. That is why we are confused. If      18 you show that file, it shows all the headers. He said      19 it right there.</p> <p>20 Q He said in his report it is latn and lng      21 data, right, just a bunch of numbers from cities?</p> <p>22 A Those are two of the columns. There are a      23 bunch of other columns too. It is like his spreadsheet      24 with a bunch of columns.</p> <p>25 Q Okay.</p>
<p>1 Q Okay. And so then the challenge is to prove      2 that everything is fraudulent?</p> <p>3 A That is his only choice at that point      4 because to prove it is not relevant, he has already      5 admitted it has got stuff about the 2020 election in      6 it. Now he has to prove it is made up because      7 obviously it is relevant because it is referring to it.</p> <p>8 Q Okay. That is about paragraph 36 and 37,      9 right?</p> <p>10 A Yes.</p> <p>11 Q All right. So if we go to page 57 of this      12 compilation here, it says at the top files from day two.      13 And day two four more files were supplied and he lists      14 them, right?</p> <p>15 A Uh-huh.</p> <p>16 Q And then he says, The first file was simply      17 a spreadsheet and a comma separated values format. I      18 have included a printout of the spreadsheet as Exhibit      19 G.</p> <p>20 A Yes.</p> <p>21 Q It contains names of cities in the United      22 States and numbers that are labeled latn and lngn where      23 n is a number, with no explanations. Checking on line      24 the lat and lngn values are the latitude and longitude      25 of each city.</p>	<p>1 A The lat and long, that is one of the big      2 arguments, how did the lat and lng get in there. There      3 are no PCAPs. We agreed, they were added later.</p> <p>4 Q So you are telling me now that if we look at      5 the full Exhibit G, there is going to be other headers      6 other than lat an lng?</p> <p>7 A That is what I am conceding based upon my      8 comment. Why else would I say that? I mean, why would      9 I lie? It is right there.</p> <p>10 Q Okay. But you don't know for sure that they      11 had that; you are saying, I would not have written this      12 unless there is some reason and this seems like a      13 plausible reason?</p> <p>14 A Let us go look at it. We tried to look at      15 it and it is not there. It is hard for us to make that      16 decision right now. We would have to do more      17 investigations.</p> <p>18 Q Okay. Are you aware that the arbitrators      19 arbiters found that Mr. Zeidman did deserve the \$5      20 million award?</p> <p>21 A Yes.</p> <p>22 Q And are you aware that the arbitrators      23 determined Mr. Zeidman successfully challenged the PCAP      24 data?</p> <p>25 A Yes.</p>

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**321-324**

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<p>1 Q Last thing I want to talk about today is      2 just some of the people that you have worked with and      3 been associated with over the last, I guess it is two      4 and a half years now.</p> <p>5 A Two and a half years.</p> <p>6 Q So first, we talked about her a little bit      7 today, but are you familiar with Mary Fanning?</p> <p>8 A Yes.</p> <p>9 Q And who is Ms. Fanning?</p> <p>10 A She is a podcaster, researcher, journalist      11 and she helped produce the first movie Scientific      12 Proof.</p> <p>13 Q I know that you told me that you spoke with      14 Ms. Fanning over streaming during Scientific Proof?</p> <p>15 A Yes.</p> <p>16 Q Have you ever met her in person?</p> <p>17 A No.</p> <p>18 Q Okay. Before the election, before the      19 November 2020 election, did you know of Ms. Fanning?</p> <p>20 A No.</p> <p>21 Q Okay. Before you met Mr. Lindell, did you      22 know of Ms. Fanning?</p> <p>23 A No.</p> <p>24 Q So did you first become familiar with her at      25 that Scientific Proof filming?</p>	<p>1 A No.</p> <p>2 Q Before you met Mr. Lindell, were you aware      3 of Mr. Ramsland?</p> <p>4 A No.</p> <p>5 Q When did you first become familiar with      6 Mr. Ramsland?</p> <p>7 A I was introduced to him, Kurt Olsen said,      8 please talk to this guy. He has got some data from      9 Texas that I want you to look at. So we had a call.      10 They sent me some data. I did some work-ups and      11 provided it to them.</p> <p>12 Q And was that before or after you did the      13 taping of the first --</p> <p>14 A After.</p> <p>15 Q Have you discussed your, kind of, analysis      16 with Mr. Ramsland?</p> <p>17 A Yes.</p> <p>18 (Exhibit 125 was marked.)</p> <p>19 Q (BY MR. FREY) Okay. Actually, I have one      20 document that I want to show you which is a document you      21 produced with a label DFrank_000045.</p> <p>22 Do you recognize this document?</p> <p>23 A Yes.</p> <p>24 Q This is an email from Mr. Ramsland to you,      25 May 12, 2021, correct?</p>
<p>1 A The first movie, Absolute Proof, mentions      2 her and that is when I became first aware of her.</p> <p>3 Q Okay. What do understand Ms. Fanning's      4 opinions to be regarding the November 3, 2020 election?</p> <p>5 A I think she agrees that it was rigged.</p> <p>6 Q Has she ever provided you with evidence      7 supporting her opinions regarding the election?</p> <p>8 A No.</p> <p>9 Q Have you ever discussed Ms. Fanning's      10 election theories with Mr. Lindell?</p> <p>11 A No.</p> <p>12 Q Have you ever discussed Ms. Fanning's      13 election theories with any other employees of Lindell      14 Management?</p> <p>15 A No.</p> <p>16 Q Does your sixth-degree polynomial analysis      17 or your beliefs or opinions about how it plays together      18 with the other aspects of the election rely at all upon      19 Ms. Fanning?</p> <p>20 A No.</p> <p>21 Q You are familiar with Russell Ramsland,      22 correct?</p> <p>23 A From Texas.</p> <p>24 Q And before the November 3, 2020 election,      25 did you know of Mr. Ramsland?</p>	<p>1 A Yes.</p> <p>2 Q Okay. He says, Since we talked, we have      3 been gathering data for analysis in Texas.      4 Surprisingly, most of the data has been written over      5 already so we have had to source people who downloaded      6 it relatively contemporaneously with the election.</p> <p>7 Do you see that?</p> <p>8 A Yes.</p> <p>9 Q So was Mr. Ramsland kind of taking what you      10 did and trying to apply it to the data in Texas?</p> <p>11 A Yes.</p> <p>12 Q Okay. And was he doing this himself or did      13 he ask you to do it?</p> <p>14 A I helped them.</p> <p>15 Q Okay.</p> <p>16 A I also did some.</p> <p>17 Q You also did some of it?</p> <p>18 A Yes. There was a lady there who called me.      19 Everybody thinks they are good at this stuff and think      20 they can do it themselves and they get stuck and they      21 call me and I help them.</p> <p>22 Q In the second-to-last paragraph here he      23 says, I took the turnout percentage from each county and      24 averaged them and then averaged all three of them to      25 arrive at an average turnout percentage rate page and</p>
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<p>1 then solved for the six part polynomial. I believe that      2 is your methodology.      3 A It is not.      4 Q That is where I was going. Is he correctly      5 describing your methodology?      6 A No.      7 Q And where did he go wrong? What did he get      8 wrong here?      9 A When you present work in public, you don't      10 give every detail because it is too much into the      11 weeds. So you present work to public, to the public in      12 ways they can understand and get the idea of it. And      13 so people listen to that and they think they      14 understand. And so they launch into their own and they      15 get stuck, and then they call me.      16 Q Okay. Did you tell him, did you respond to      17 Mr. Ramsland and tell him that he had it wrong?      18 A I am sure I did because I spoke with some      19 lady there that he connected me with and they were able      20 to get it working.      21 Q So when you spoke with -- you do not      22 remember the name the lady?      23 A That is why I said some lady.      24 Q Okay. And did you then share, kind of, your      25 full methodology with Mr. Ramsland via that lady who</p>	<p>1 work?      2 A Yes.      3 Q Do you understand what Mr. Ramsland's or do      4 you know what Mr. Ramsland's kind of independent      5 opinions or theories are about the election?      6 A I have interacted with him a lot, and he      7 thinks that the rolls are being manipulated during the      8 election.      9 Q Do you know if he has any other kind of      10 theories on how the election is being manipulated?      11 A Not specifically.      12 Q Okay. Does Mr. Waldron's -- I am sorry.      13 Strike that.      14 Does Mr. Ramsland's theories as to the voter      15 rolls kind of rely upon the analysis that you are able      16 to provide?      17 A No, he uses mostly electronic evidence.      18 Q He is more on the electronics side?      19 A Yes.      20 Q And did he ever share evidence with you on      21 his kind of electronic side?      22 A Yes.      23 Q What evidence did he show?      24 A He showed me -- I have listened to his      25 talks, for example, and he shows examples where the</p>
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<p>1 worked for him?      2 A Yes.      3 Q I think that I asked you this earlier but      4 just in case.      5 Did Mr. Lindell ever ask you for your full      6 methodology?      7 A No.      8 Q And then the last thing he asks is that you      9 provide him the 2015 census data by age, by county.      10 Do you see that?      11 A Yes.      12 Q Did you provide that?      13 A Once again, it shows he did not understand      14 my methodology.      15 Q So you did not?      16 A I didn't.      17 Q Did you provide the 2019 data?      18 A I suppose I did or maybe I gave him a link.      19 It was a phone call. I probably said, here is the link      20 to go to the census.gov, and here is a video that you      21 can watch to tell you how to do it, because I prepared      22 a video on my Rumble channel to show people how to do      23 it.      24 Q Okay. So in this instance Mr. Ramsland is      25 trying to replicate your methodology and kind of do your</p>	<p>1 voter rolls are churning right during the election.      2 And you can download day-to-day and every day somebody      3 who voted the day before is now shown as not having      4 voted and showing how they had voted and who has voted      5 moves around.      6 Q Did he tell you where he obtained that      7 evidence from?      8 A Sure.      9 Q Where?      10 A The state website or county website, one of      11 the two. It is available online. So they are able to      12 download it legally every day.      13 Q Okay. And have you ever discussed      14 Mr. Ramsland's theories with Mr. Lindell?      15 A No.      16 Q And have you ever discussed Mr. Ramsland's      17 election theories with other employees of Lindell      18 Management?      19 A No.      20 Q All right. You are familiar with Colonel      21 Waldron, correct?      22 A Yes.      23 Q Before the November 3, 2020 election, were      24 you familiar with Colonel Waldron?      25 A No.</p>

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1 Q Did you know who he was?	1 produced in response to the subpoena in this case. It
2 A No.	2 will be Exhibit 126. It has a Bates label DFrank00022.
3 Q Before you met Mr. Lindell, did you know who	3 It is a May 27, 28 email with you and Ms. Fanning.
4 Colonel Waldron was?	4 Do you see that?
5 A No.	5 A Yes.
6 Q So did you first become familiar with	6 Q Do you recognize this document?
7 Colonel Waldron at that initial kind of dinner taping of	7 A Yes.
8 Scientific Proof?	8 Q And Ms. Fanning says to you on May 27, if
9 A I don't think he was there. I don't think	9 you are going to be in Seattle, Washington, I would like
10 I met him until the Cyber Symposium.	10 to set up a meeting between you and Dennis. He would
11 Q Okay. The first time you interacted with	11 like to meet with you and I am quite certain that the
12 Colonel Waldron would have been there?	12 two of you might find a couple areas of mutual interest
13 A I think that is right.	13 to discuss.
14 Q Did you ever speak with him before that?	14 Do you see that?
15 A Not to my knowledge.	15 A Yes. I do see that.
16 Q Okay. Do you understand what Colonel	16 Q Okay. But you did not end up meeting with
17 Waldron's theories are on the November 2020 election?	17 Mr. Montgomery in Seattle?
18 A No. He did a movie called Your Wake Up	18 A I did not.
19 Call where he talks about things.	19 Q Why not?
20 Q But that is kind of what you know about	20 A I don't know. I remember, I remember
21 his --	21 trying to meet with him but our schedules did not line
22 A That is what I know what he thinks.	22 up for some reason.
23 Q No private conversations behind the scenes?	23 Q Okay. And you said that you have never even
24 A No. No.	24 really spoke to him directly, right?
25 Q Okay. Are you familiar, I believe that you	25 A I don't believe that I have ever spoken to
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1 said you are, with Dennis Montgomery?	1 him.
2 A Yes.	2 Q Okay. Are you familiar with a theory of
3 Q And who is Dennis Montgomery?	3 election fraud that is called the hammer and scorecard?
4 A So I might be confusing two people right	4 A Vaguely.
5 now. There is another guy that I have done Zooms with.	5 Q What is your understanding of the hammer and
6 I have never personally spoken to Dennis Montgomery,	6 scorecard theory?
7 not even on Zoom. I just know about him.	7 A It is a software written by somebody, maybe
8 Q Okay. What is it that you know about him?	8 Dennis, in 2006 working for the NSA. And apparently it
9 A All I know is that he was asked to look at	9 controls and regulates the way elections work. I never
10 the data that Mike had early on. According to Mary	10 read it or looked into it. It is part of my controls.
11 Fanning, she told me this in our conversation when I	11 I try to stay completely objective, only letting data
12 first met her at the taping, that he had looked at the	12 tell me what to think, which is one of the reasons why
13 data and he said, wow, it would take a physicist to	13 I do not listen a lot of other people. I keep my mind
14 figure this out. Along came a physicist. So that was	14 clean and focus on the data.
15 the a fun story to tell. That he is a physicist as	15 Q Okay. So you don't have any opinions about
16 well but kind of an unusual gentleman so he is not	16 the hammer and scorecard theory?
17 somebody you put in front of a camera apparently. They	17 A I have no informed opinions.
18 were glad that a physicist came along who wears a bow	18 Q What are your uninformed opinions?
19 tie.	19 A Well, people I love and trust and respect
20 Q Okay. And before the November 2020	20 think it is real. I reserve judgment until I have
21 election, had you ever heard of Dennis Montgomery?	21 looked at it myself.
22 A No.	22 Q You know Kurt Olsen, correct?
23 (Exhibit 126 was marked.)	23 A Of course.
24 Q (BY MR. FREY) So there is -- sorry, one more	24 Q Kurt Olsen is one of Mr. Lindell's
25 document actually which is a say document that you	25 attorneys?

**DOUGLAS GEAUWANNA FRANK**  
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1 A Yes.	1 MR. GREENE: No questions. We will, like I
2 Q Does Mr. Olsen serve in any other role other	2 said before, read and sign.
3 than as an attorney for Mr. Lindell?	3 THE VIDEOGRAPHER: This concludes tape
4 A I don't know what you mean by that.	4 number one and the end of the videotape deposition of
5 Q Does Mr. Olsen publicly speak on or do	5 Dr. Douglas Frank. We are going off the video record on
6 analysis of election fraud theories?	6 July 19, 2023 at 5:51 p.m.
7 A He wrote a whole Supreme Court brief which	7 (The deposition concluded at 5:51 p.m.)
8 involved a great deal of analysis.	8
9 Q In that brief he is taking other people's	9
10 theories, right?	10
11 A Yes.	11
12 Q I was asking if you know if he has any of	12
13 his own --	13
14 A Not to my knowledge, no.	14
15 Q -- theories. Okay. Are you still in	15
16 contact with Mr. Olsen?	16
17 A Oh, yes.	17
18 Q For all of these people that we have talked	18
19 about, Mr. Ramsland, Colonel Waldron, Dennis Montgomery,	19
20 Mary Fanning, have you, does your analysis or are your	20
21 opinions about the 2020, November 2020 election in any	21
22 way relying upon evidence that they have provided you?	22
23 A No. I started completely independently in	23
24 Pennsylvania and came up with my own approaches. It	24
25 was delightful to discover that somebody else had data	25
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1 which confirmed what was going on, but I do not rely on	1 C E R T I F I C A T E
2 it whatsoever, and that is one of the reasons why it is	2 I, MICHELE KOSS, a Shorthand Reporter and
3 like a parallel track. I focus on one thing and Mike	3 notary public, within and for the State of Colorado, do
4 focuses on something else.	4 hereby certify:
5 Q So you are focusing on data and Mr. Lindell	5 That DOUGLAS GEAUWANNA FRANK, the witness whose
6 is focusing on the electronics?	6 examination is hereinbefore set forth, was first duly
7 A Electronics, yes.	7 sworn by me and that this transcript of said testimony
8 Q And, to your knowledge, are any of -- strike	8 is a true record of the testimony given by said witness.
9 that. Give me two minutes to talk with Maura.	9 I further certify that I am not related to any
10 A Sure.	10 of the parties to this action by blood or marriage, and
11 Q And we might be done.	11 that I am in no way interested in the outcome of this
12 MR. GREENE: Okay.	12 matter.
13 A Do want me to walk out? I am just asking	13 IN WITNESS WHEREOF, I have hereunto set
14 what you meant by I will give you two minutes.	14 my hand this 21st day of July, 2023.
15 MR. FREY: Just give me two minutes to go	15
16 through this.	16
17 THE VIDEOGRAPHER: The time is 5:49. We are	17
18 off the record.	18
19 (Recess was taken.)	19
20 THE VIDEOGRAPHER: The time is 5:50 p.m. We	20
21 are on the record.	21
22 Q Okay. Dr. Frank, thank you for coming here	22
23 today and answering my questions. I have no further	23
24 questions at this time.	24
25 A Thank you.	25

**DOUGLAS GEAUWANNA FRANK**  
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1                   ESQUIRE ERRATA SHEET	1                   DEPOSITION ERRATA SHEET
2 Esquire Job ID: J9932058	2 Page No. _____ Line No. _____ Change to: _____
3 Case Caption: Smartmatic USA Corp. vs. Lindell, et al.	3 _____
4	4 Reason for change: _____
5                   DECLARATION UNDER PENALTY OF PERJURY	5 Page No. _____ Line No. _____ Change to: _____
6	6 _____
7         I declare under penalty of perjury that I have	7 Reason for change: _____
8 read the entire transcript of my Deposition taken	8 Page No. _____ Line No. _____ Change to: _____
9 in the above-captioned matter or the same	9 _____
10 has been read to me and the same is true and	10 Reason for change: _____
11 accurate, save and except for changes and/or	11 Page No. _____ Line No. _____ Change to: _____
12 corrections, if any, as indicated by me on the	12 _____
13 DEPOSITION ESQUIRE ERRATA SHEET hereof, with the	13 Reason for change: _____
14 understanding that I offer these changes as if still	14 Page No. _____ Line No. _____ Change to: _____
15 under oath. Signed on the _____ day of	15 _____
16 _____, 2023.	16 Reason for change: _____
17 _____	17 Page No. _____ Line No. _____ Change to: _____
18 DOUGLAS GEAUWANNA FRANK	18 _____
19	19 Reason for change: _____
20	20 Page No. _____ Line No. _____ Change to: _____
21	21 _____
22	22 Reason for change: _____
23	23
24	24 SIGNATURE: _____ DATE: _____
25	25 DOUGLAS GEAUWANNA FRANK
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1                   DEPOSITION ERRATA SHEET	
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